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REVIEW OF THE PROCEDURE PROVIDED FOR UNDER ARTICLE 11 OF THE STATUTE OF THE ADMINISTRATIVE TRIBUNAL OF THE UNITED NATIONS

Report of the Secretary-General

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* A/49/50/Rev.1.

I. INTRODUCTION

1. On 9 December 1993, the General Assembly adopted decision 48/415 entitled "Review of the procedure provided for under article 11 of the statute of the Administrative Tribunal of the United Nations", which reads as follows:

> "The General Assembly
>
> "(a) Requests the Secretary-General to carry out a review of the procedure provided for under article 11 of the statute of the Administrative Tribunal of the United Nations, taking into account the views expressed during the forty-eighth session of the General Assembly and any further views that States may submit, and to report thereon to the Assembly at its forty-ninth session, either as part of the report requested under resolution 47/226 of 8 April 1993 or separately;
>
> "(b) Decides to include in the provisional agenda of its forty-ninth session the item entitled 'Review of the procedure provided for under article 11 of the statute of the Administrative Tribunal of the United Nations'."

2. Pursuant to the above request, by a note dated 28 February 1994, the Secretary-General invited the Governments of Member States to submit the replies referred to above in decision 48/415.

3. The present report reproduces the replies that had been received as at 15 July 1994. Any further replies will be reproduced in addenda to the present report.

II. REPLIES RECEIVED FROM STATES

ARGENTINA

[Original: Spanish]

[12 May 1994]

1. The Government of Argentina considers that the procedure for the review of judgements established in article 11 should be abolished, with provision for an appropriate transitional period for decisions currently being processed according to that procedure. From a legal standpoint, it is undesirable to retain a system which makes the review of Administrative Tribunal judgements dependent on the decisions taken by the Committee on Application for Review of Administrative Tribunal Judgements, which is not a jurisdictional body. In any case, the International Court of Justice, established to settle disputes between States, does not seem to be the most appropriate body to hear work-related cases involving individuals. Furthermore, for four decades the system has failed to demonstrate in practice its efficiency as a mechanism for protecting the staff. Its use has brought no satisfaction to the applicants and has merely raised hopes, created delays and entailed expenditure of resources.

2. The question inevitably arises whether the abolition of article 11 should or should not be accompanied by the establishment of replacement mechanisms. In that regard, the Government of Argentina considers that the double-hearing principle is an essential component of any modern judicial system. It also considers that the simple abolition of the procedure for the review of judgements set forth in article 11, which has been used repeatedly by staff members despite its demonstrated practical uselessness, would probably be perceived as a step backwards as regards the protection system and would not help to enhance the credibility of the administration of justice by the United Nations.

3. The Government of Argentina nevertheless emphasizes the need to establish procedures that do not entail a substantial increase in financial and institutional resources. For example, it might be possible to explore the feasibility of having the Administrative Tribunal function as tribunal of both first and second instance, operating either successively in chambers and in plenary, or through a system of cross-review between chambers.

4. It would also be worthwhile to consider the possibility - technically preferable in the view of the Government of Argentina - of replacing the current joint appeals body mentioned in article 7 of the statute by a truly jurisdictional body which would function as a court of first instance. In that case, the Administrative Tribunal would become an appeals tribunal or court of second instance.

5. Lastly, the Government of Argentina wishes to refer to the creation of the post of ombudsman or mediator, which has been suggested by a number of delegations. The Government of Argentina has no objection in principle to such a post, which already exists in other bodies such as the World Bank and could help to reduce the number of disputes submitted to an adversary procedure.

6. The Government of Argentina nevertheless considers that by its very nature the ombudsman would simply be another administrative authority that would intervene before a case is referred to the Tribunal, in an effort to reconcile the parties, and possibly after the judgement is rendered, in order to facilitate its execution. It could, therefore, not be considered an appropriate substitute for a double-hearing judicial system or an adequate alternative to the abolition of article 11.

BELGIUM

[Original: French]

[10 May 1994]

1. In the opinion of the Belgian Government, the aforementioned article 11 should be abolished. The review procedure provided for under that article, which dates from the mid-1950s, never had any practical effect. The abolition should be total, since it is not desirable to maintain a limited application of the procedure (solely for Member States or for the Secretary-General).

2. The abolition of this article should not pose any problem. It can be effected by a technical resolution of the General Assembly amending the statute of the Tribunal and providing a transitional measure.

3. The review procedure provided for under article 11 should not be replaced by another appeals procedure.

4. The administrative protection of United Nations staff members could be improved by creating the office of ombudsman.

FRANCE

[Original: French]

[9 May 1994]

1. France, together with Australia, Benin and Ireland, requested the inclusion in the agenda for the forty-eighth session of the General Assembly of a new item calling for a re-examination of the procedure provided for under article 11 of the statute of the Administrative Tribunal of the United Nations for the review of the judgements rendered by the Tribunal.

2. The sponsors are well acquainted with the experience so far in the Committee on Applications for Review of Administrative Tribunal Judgements, which has been for the most part negative, and have not embarked on this initiative lightly. Any attempt, however limited in scope, to amend the statute of the Administrative Tribunal warrants careful consideration since it would have a bearing on the protection of the rights of international civil servants, which States are under the obligation to guarantee. This protection is a condition for the recruitment of the high-calibre staff needed to carry out lofty missions of the United Nations, to which France has repeatedly affirmed its commitment.

3. The explanatory memorandum annexed to the request for inclusion of the item (A/48/232) sets forth the basic reason why the procedure established by article 11 of the statute of the Administrative Tribunal of the United Nations is considered unsatisfactory. Some further suggestions on how to approach this problem are given below.

1. A poorly conceived and ineffective review procedure

4. The procedure under review may be summarized as follows. After the Administrative Tribunal renders a judgement, a Member State, the Secretary-General or the person in respect of whom the judgement has been rendered by the Tribunal may object to the judgement before the Committee on Applications for Review of Administrative Tribunal Judgements composed of the Member States the representatives of which have served on the General Committee of the most recent regular session of the General Assembly. This committee, which is a political rather than a jurisdictional body, may decide to request an advisory opinion from the International Court of Justice. As stated in the explanatory memorandum which accompanies the request for inclusion of the item, of some 600

cases on which a judgement has been rendered by the Tribunal, the Committee on Applications has examined more than 80 requests and in 3 instances has considered it necessary that the International Court of Justice give its opinion. In all three cases, the Court has upheld the decision of the Administrative Tribunal.

5. The current procedure has given rise to numerous criticisms. While considering the three cases placed before them under article 11 of the statute of the Administrative Tribunal of the United Nations, the judges of the International Court of Justice often expressed a wish that the procedure be revised. In the most recent cases (Yakimetz (1987)), six judges gave an opinion and several expressed their sense of relative dissatisfaction with "any case in which a request has been made for an advisory opinion in the context of the article 11 review procedure".

6. The right to request an advisory opinion from the Court is, of course, available to all United Nations bodies. But the manner in which this right if structured under article 11 of the statute of the Administrative Tribunal of the United Nations results in the Court's being seized of questions of civil service law, which, while not without importance, are entirely unrelated to those issues with which the Court normally and properly deals. Moreover, the operation of the Committee on Applications has frequently appeared flawed since the political nature of its membership leads to votes explainable more by geographical solidarity than by legal logic, and the cumulative delays in cases examined by the Committee on Applications and by the Court itself, whose schedule is overburdened, lead to delays which make requesting advisory opinions less desirable and renders their application problematic. These criticisms have been frequently voiced, and in many cases by France.

7. One should not, however, attach too much weight to certain arguments. The fact that the Court has never rendered an opinion contrary to the judgement of the Administrative Tribunal is not in itself proof that the procedure is worthless. Three cases do not constitute an adequate basis on which to assess the effectiveness of a judicial procedure. And the right of referral to the Court could theoretically, by its very existence, motivate the Tribunal, if need be, to show respect for the law.

8. But the Tribunal's practice in adjudicating cases over nearly 30 years has shown that the rights of international civil servants will not be adversely affected by the abolition of a procedure that affords civil servants no right of appeal and which constitutes an anomaly in that it makes the fate of an application dependent on the will of a political body.

2. The institution of a right of appeal against the judgements of the Administrative Tribunal seems neither necessary nor desirable

9. There is a logic to the present statute of the Administrative Tribunal; it is based primarily on article 10, paragraph 2: "Subject to the provisions of articles 11 and 12, the judgements of the Tribunal shall be final and without appeal." This provision is clearly intended to reduce the number of cases that come before the Tribunal for adjudication and to prevent the procedures from dragging on. It also avoids weakening the authority of Administrative Tribunal

judgements. It is complemented by article 12, according to which, in the case of "some fact of such a nature as to be a decisive factor, which fact was, when the judgement was given, unknown to the Tribunal", the Secretary-General or the applicant may apply to the Tribunal for a revision of a judgement.

10. The picture which emerges is one of a tribunal of first and last instance. In this context, article 11 can in no way be interpreted as a procedure of appeal. As the statute stands, there is no dual level of jurisdiction that might be compromised by a re-examination of article 11.

11. The limitative enumeration of the possible grounds for challenging judgements (questions of competence and jurisdiction, errors of law or procedure), contained in article 11, paragraph 1, makes the arrangement in question resemble a cassation procedure. The discretionary power which the Committee on Applications has to refuse to refer a matter to the Court differentiates this procedure even more clearly from an appeal. Consequently, there is no fundamental guarantee of the rights of international civil servants at stake in article 11. The question therefore is simply whether an advisory mechanism which thus far has not rendered any great service justifies the lawyers' fees, the often-disappointed hopes, the costs of various kinds and the delays that are sometimes detrimental to the proper administration of justice that it entails.

12. There is another ambiguity which must be avoided.

13. The Administrative Tribunal is not a subordinate court like the administrative courts in countries with common-law systems. According to its own statute, it is a court with full jurisdiction which guarantees the right to a fair trial without providing a mechanism for judicial review. And this is not an anomaly. In countries with civil-law systems where a dual-court system exists, as in France, the judicial courts never have to deal with the judgements of the administrative courts, to which applicants may have direct recourse. The Administrative Tribunal of the United Nations is more akin to this model, and in our view it would be entirely wrong to make the procedure established in article 11 into a mechanism for judicial review of the Tribunal's decisions.

14. As currently articulate, then, this procedure is neither a second stage of jurisdiction nor a form of judicial review and from any standpoint lacks the requisite character for the proper operation of justice.

3. Improvements in the preliminary proceedings and adjudication could effectively replace article 11, if the decision was taken to eliminate it

15. The question was raised as to what alternative mechanism might replace the one provided for in article 11.

16. A blanket right of appeal in all cases before the Court or other body clearly seems unworkable, for the reasons cited above. Providing no alternative for that procedure might, however, be feasible, since the existing procedure affords virtually no protection at all to civil servants, given the tenor of the judgements rendered by the Tribunal. Its only current purpose seems to be to provide lawyers with income. This is particularly true since, in cases in which

a judgement later appears to have been based on facts that were not fully known or inaccurately analysed, article 12 of the Tribunal's statute gives applicants the option of applying to the Tribunal for a revision of the judgement on the grounds that the decision was vitiated by a misapprehension of the facts of the case. This is a fundamental guarantee, which excludes only the possibility of a legal error on the part of the Tribunal - in other words, a misinterpretation of the Staff Regulations. The unwavering manner in which the Tribunal has construed this text in formulating its decisions and the wisdom and fairness with which it has applied it, taking into account both the rights of staff members and the exigencies of service, virtually rules out the possibility of such errors. It is appropriate for the Administrative Tribunal of the United Nations to implement the rule of law governing the relations between the Organization and its staff, and we cannot imagine a body better qualified to issue such authoritative interpretations and thus to legitimately review its own judgements.

17. The establishment of a mediator or ombudsman has been suggested in various forums. This suggestion has certain merits, but it goes without saying that the ombudsman could intervene only prior to the examination of a case by the Tribunal, since an administrative body obviously cannot supervise the work of a judicial one. In addition, the mediator could probably play a useful role in recommending modalities for the enforcement of judgements. During the pre-adjudication phase, he might also act as a conciliator. However, article 7, paragraph 1, of the statute of the Tribunal already provides for joint appeals bodies to which, as a general rule, a dispute must first be submitted in order for the application to be considered receivable by the Tribunal. The two instances (the mediator and the joint appeals body) would necessarily overlap and could prove unwieldy.

18. Another problem that ought to be raised is whether recourse to the mediator would be compulsory or optional. I will simply state that, according to article 7, paragraph 1, cited above, consideration of the appeal by the joint body is not obligatory "where the Secretary-General and the applicant have agreed to submit the application directly to the Administrative Tribunal." Regular use of this option might in fact be one of the causes of the current difficulties. In any case, this point deserves careful consideration.

19. Another approach, which would strengthen the guarantees available to staff members under the statute, also deserves consideration. This involves the role of the joint appeals bodies, which have competence for disciplinary matters and the hearing of various kinds of appeals from staff. These bodies could benefit from a general review of the way they fit into the framework of administrative procedures and of the guarantees they afford to staff members, so that the bodies might in themselves come to constitute an effective adjudication phase capable of stemming the proliferation of disputes. Without, naturally, assuming a jurisdictional role, such mechanisms for early administrative appeal should allow the applicant a real opportunity to seek redress. Cases heard by the Tribunal would thus have been given balanced consideration even before being brought before its judges.

20. In view of the civil service management issues that the Tribunal must hear, a strengthening of the adversary procedure in the phase preceding the judgement

would be more favourable to staff members and more useful for the Administration (in jurisprudential terms) than would a post-judgement recourse procedure, which would be more distant in time from the facts, and thus more abstract, and would in fact be highly unlikely to yield results.

21. Yet if we should fail to convince a sufficient number of others of the futility of providing a mechanism for appealing an initial judgement by the Tribunal, France would not in theory be wholly opposed to considering the establishment of procedures that would, in certain very serious and clearly delineated cases (dismissals and terminations, for example), allow the Tribunal, otherwise constituted, to reconsider the same case. This review, limited to specific sets of circumstances, would supplement the ordinary review procedure. The Tribunal could also be empowered to determine whether, in view of the gravity of the claim, the second appeal should be heard, without having to conduct examination proceedings.

22. These preliminary observations are intended to draw attention to the poor operation of this procedure, which seems to suffer from a flaw in design. France urges the prompt investigation of all approaches without exception that reflect the need to protect the rights of international civil servants as well as the need to deal expeditiously with disputes and to respect budgetary constraints. Article 11 of the statute of the Tribunal in its present form will meet none of these objectives.

IRELAND

[Original: English]

[16 May 1994]

1. Ireland joined with Australia, Benin and France in requesting inclusion of the item cited as an item in the agenda of the forty-eighth session of the General Assembly. Having intervened in the consideration of the item in the Sixth Committee, to which it had been referred, Ireland joined again with Australia, Benin and France in proposing the decision which was in due course adopted (decision 48/415).

2. Ireland, as a Member State whose representatives served on the General Committee of the forty-sixth and forty-seventh sessions of the General Assembly, was a member of the Committee on Applications for Review of Administrative Tribunal Judgements for two terms under the provisions of article 11.4 of the statute of the Tribunal. The experience of its representatives on the Tribunal, a close examination of the provisions of article 11 of the statute which established the procedure and a review of the practical application of the procedure since its establishment influenced the Government in taking these successive steps.

3. In the view of the Government of Ireland the procedure under article 11 has three main and fundamental deficiencies. First, the grounds on which an application may be granted are very narrow in scope and legally extremely technical. Secondly, there is no requirement to ensure that the Committee is

equipped with legal expertise, although the exercise of the quasi-judicial function of assessing whether grounds for a successful application had been established calls for such expertise. Thirdly, the relief available under the procedure, a request for an advisory opinion of the International Court of Justice, is inappropriate to a dispute on an administrative matter.

4. During the two terms of recent membership of Ireland of the Committee, none of the many applications received was allowed. The Government is satisfied that the vast majority, if not all, of the decisions taken by the Committee were justified, but it would not be surprised if a disappointed applicant had misgivings about the decision on his/her application in view of the limitations of legal expertise on the part of the Committee adjudicating on the matter.

5. An examination of the results of the procedure over the almost 40 years during which it has been available reveals a similar pattern. Only very few applications have been allowed, and in none of these cases has the advisory opinion requested of the International Court of Justice affected the judgement of the Administrative Tribunal. The conclusion that the Tribunal does not normally err in the manner covered in the grounds for an application, and that it is therefore virtually impossible to upset a judgement of the Tribunal through this procedure, seems inescapable.

6. In these circumstances the Government believes that the procedure does not serve a useful purpose. On the contrary, it tends to mislead litigants who have been unsuccessful before the Tribunal to believing that there is a realistic prospect of upsetting the Tribunal's judgement, and to expending valuable time and resources in fruitless pursuance of that goal. Correspondingly the United Nations Secretariat is required to spend valuable time and resources in responding to applications. The fact that neither the Secretary-General nor a Member State has resorted to the procedure in recent years may be due, at least in part, to recognition of its futility and the waste involved.

7. The Government is of the opinion that the fundamental deficiencies in the procedure, already identified, are at the root of its futility. It does not think that these deficiencies could be effectively remedied within the structure of the existing procedure. Accordingly, the Government believes there is a very strong case for abandonment of the procedure.

8. The Government appreciates that the establishment of the Committee obviously responded to a perception that a review procedure was required. Moreover it does not deduce, merely from the virtual impossibility of establishing any of the grounds for allowing an application, that the justice of the Administrative Tribunal's judgements in all cases is necessarily confirmed. Accordingly, it would be sympathetic to suggestions that other measures should be taken to ensure not only that justice is done but that it is also seen to be done. It is not, however, convinced that this can only be done, e.g., by setting up an appeals procedure involving review of the Administrative Tribunal's judgements by a higher judicial body. Such a procedure would be more elaborate and expensive than would be justified by the problem, or necessary to resolve it.

9. The Government believes that any new measure should tend to be more of an administrative than judicial nature. In this context it finds the idea of the establishment of an office of ombudsman interesting. Its perception of this office is that the incumbent would be of adequate status and independent of both the Administration and the staff; that his/her role would be principally one of mediating on differences and disputes at the behest of staff complaints; and that she/he would have the resources and facilities necessary to fulfil that role effectively. Anticipated benefits would include settlement of many differences before escalation into disputes, significant reduction in the number of cases referred to the Administrative Tribunal and greater clarity on the issues in cases actually referred to the Tribunal. In circumstances in which many differences were satisfactorily settled at an early stage and the issues in disputes not so settled were more clearly presented to and examined by the Tribunal, the Government would hope that the parties would agree with its view that it would be satisfactory to have the Tribunal operate as a court of final instance.

10. As a further assurance the Government would also be prepared to consider a strengthening of the provision in article 12 of the statute for application to the Tribunal for a revision of a judgement. The grounds for such a review could be broader than that set out in article 12 but should not be excessively technical. The provision could also involve exclusion of those members of the Tribunal sitting at the original hearing from participating in the examination of the application of review.

ISRAEL

[Original: English]

[16 June 1994]

1. The Government of Israel wishes to support the various statements made at the Sixth Committee relating to the above-mentioned issue during the discussion of agenda item 161 on 23 November 1993. Accordingly, it appears that the work of the Committee on Applications for Review of Administrative Tribunal Judgements was unproductive and that, therefore, article 11 on the review procedure should be abolished. There seems to be no disagreement that, on the whole, the judgements of the Tribunal are just and entitled to finality.

2. Under the review procedure set out in article 11 of the statute of the Administrative Tribunal, a Member States, the Secretary-General or a staff member who objects to a judgement of the Tribunal may apply to the Committee on Applications asking the Committee to request an advisory opinion of the International Court of Justice. Since its establishment in 1955, no member of the Secretariat and no Member State has successfully invoked the procedure. Only 3 out of more than 80 applications to the Committee have led to requests for advisory opinions. In each of these three cases, the International Court of Justice declined to interfere with the judgements of the Administrative Tribunal. On the other hand, the procedure gives rise to additional costs and delays. In addition, the current procedure involves a political committee

composed of States, that is, the most recent General Committee, taking in effect quasi-judicial decisions.

3. For all these reasons, the Government of Israel believes that the proper solution should be to abolish the procedure under article 11 of the statute of the Administrative Tribunal.

NORWAY

(on behalf of the Nordic countries)

[Original: English]

[13 April 1994]

1. The Nordic countries understand the dissatisfaction among various States Members of the United Nations with respect to the procedure set forth in article 11 of the statute of the Administrative Tribunal, a dissatisfaction which is based upon an unnecessarily complex process. This has become a matter which, in the view of the Nordic countries, must be dealt with through pragmatic revision.

2. Conceptions which have been propounded thus far by, among others, Australia, Benin, France and Ireland in the debate under this agenda item during the forty-eighth session of the General Assembly fortify the stance that the process needs careful revision. It is necessary to formulate a procedure that ensures the rights of complainants, without thereby creating unnecessarily complex procedures. A process with many review stages or steps does not in itself create a more equitable process. As there is no need for overly complex procedures to ensure an equitable remedial process, burdensome procedures which do not provide any obvious additional protection should be terminated. A modern United Nations must provide both fair and pragmatic procedures in such matters.

(a) The Nordic countries favour relieving the International Court of Justice of the potential burden of deciding administrative matters. Such matters ought not be assigned the level of significance which the International Court of Justice customarily deals with, that being primarily matters between States.

(b) The advisory procedure of the statute of the International Court of Justice does not provide for an appropriate contradictory procedure necessary for an appeals tribunal, which is the International Court of Justice's present role in this process.

(c) An ombudsman's office or review board could represent a review of the first instance, dealing with potential conflicts at a preliminary stage. A valuable screening process that would obviate, for further complainants and the United Nations, the need of review before the Tribunal would thus be available. Such an office would screen cases prior to their submission to the Tribunal. Moreover, it would have the more prominent duty of mediating conflicts up to a certain point. An ombudsman's office would have a preventive role providing an

early solution mechanism, with the dual role of both reviewer and mediator. The office would review whether there is a substantial basis for an application and, if so, mediate between the parties. If a solution could not be reached through mediation, the application might then be referred to the Administrative Tribunal. An ombudsman's office would have more direct contact with complainants and provide a less burdensome resort of the first instance. Such a legal office must be unquestionably independent with no possible outside influence.

(d) The General Assembly's Committee on Applications has proved to be a quasi-legal though highly political step in the process. Consequently, its role may have proved to be more burdensome than valuable to complainants. One should therefore consider dissolving it, with all functions transferred either to the ombudsman's office or the Tribunal.

(e) The Administrative Tribunal's function might be transformed and extended. This can be realized by its becoming the final arbiter of administrative cases, without any further review instance, as is provided in article 10, paragraph 2, of its statute. If further review is deemed necessary, it might be provided by the Administrative Tribunal en banc.

3. It is foreseeable that a more expeditious procedure as found in the above two-step approach will consequently improve relations of employees vis-à-vis the United Nations, through simplifying the means of conflict resolution while also minimizing delay and decreasing expenses for all parties. Due to a more flexible preliminary mechanism, it appears unlikely that a grievance accretion would occur.

POLAND

[Original: English]

[20 May 1994]

In response to the Secretary-General's note dated 28 February 1994 and taking into account General Assembly decision 48/415 as well as the discussion which took place in the course of the debate on the agenda item "Review of the procedure provided for under article 11 of the statute of the Administrative Tribunal of the United Nations" in the Sixth Committee during the forty-eighth session of the General Assembly, the Government of the Republic of Poland is of the view that:

(a) There is an urgent necessity to delete article 11 of the statute of Administrative Tribunal of the United Nations and therefore eliminate the special procedure established in 1955. This procedure is inadequate, unpractical and political in its nature. The Committee on Applications for Review of Administrative Tribunal Judgements ("the Committee on Applications") is explicitly not a judicial (appeal) body, particularly in the light of its composition;

(b) Judgements of the Administrative Tribunal should be final. An internal system of appeal, if need be, might be considered;

(c) The jurisdiction of the Administrative Tribunal, which is limited in its scope, does not in any way justify the necessary involvement of the International Court of Justice;

(d) Abolition of the Committee on Applications would also reduce the expenses of the Organization;

(e) The idea of the establishment of the Office of Ombudsman in the United Nations Secretariat (for its staff) seems to be useful, most suitable and promising and should be further elaborated.

SPAIN

[Original: Spanish]

[9 May 1994]

1. The Government of Spain considers that the procedure provided for under article 11 of the statute of the United Nations Administrative Tribunal has at present a number of disadvantages, especially its limited practical use, and the inappropriateness of involving the International Court of Justice, which already has sufficient work to do, in such matters. Therefore, Spain favours the abolition of this procedure.

2. The Government of Spain therefore supports the replacement of the procedure provided for under article 11 of the statute by another, more appropriate system to protect United Nations staff in their employment relations with the Organization. This new procedure should not involve revision of the Administrative Tribunal's decisions, so as not to create the same problems we are trying to avoid.

SRI LANKA

[Original: English]

[19 May 1994]

1. The statute of the United Nations Administrative Tribunal provides, in article 11, for an appeal procedure from a judgement rendered by the Tribunal. This remedy provided by way of appeal is distinct from the right of revision provided by article 12 on the more circumscribed ground of the discovery of some fact of such nature as to be a decisive factor which was unknown to the Tribunal and the party claiming revision at the time the judgement was given.

2. The function assigned to the Committee established by article 11 of the statute is to determine whether there is "a substantial basis" for an application for appeal made in terms of article 11 of the statute. Given the

limited nature of the function assigned to the Committee and the past experience, i.e., the limited number of applications to the Committee, as well as the failure to successfully invoke the procedure, there are strong grounds for its termination.

3. Most statutes have a general provision relating to the power of tribunals to review judgements only on very limited grounds, such as the discovery of new facts, as in article 12. This is for the reason that the power to review judgements is a derogation from res judicata and the finality of judgements. For instance, the statute of the Administrative Tribunal of the International Bank for Reconstruction and Development, the International Development Association and the International Finance Corporation (World Bank Administrative Tribunal) specifically provides, in article XI, that judgements shall be final and without appeal. The only remedy provided is for the limited right to revise a judgement in the event of the discovery of a new fact which, by its nature, might have had a decisive influence on the judgements of the Tribunal and which at the time of the judgement was unknown both to the Tribunal and to the party. Thus, the proposal to terminate the procedure under article 11 of the United Nations Administrative Tribunal is consistent with the tendency reflected in other statutes towards finality of judgements.

4. At the same time, there must be an alternative mechanism provided to address, in a practical manner, day-to-day problems which arise in relation to contracts of employment of staff members of the United Nations. Sri Lanka could agree, in principle, to the proposal for creating an office of ombudsman to address these issues and which could also act as a "filter" to reduce the number of cases submitted to the Tribunal.

5. The creation of such a mechanism would be vital, as recourse to the advisory jurisdiction of the International Court of Justice by the General Assembly in terms of Article 96 of the Charter of the United Nations may not be a suitable remedy in addressing day-to-day issues affecting the United Nations staff.

6. Sri Lanka would agree with the view that retaining a partial recourse to the Committee, only by Member States to the exclusion of staff members, would not be appropriate.

7. A General Assembly resolution can be the procedural device for amending the statute of the United Nations Administrative Tribunal to terminate the article 11 procedure.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[Original: English]

[2 May 1994]

1. The United Kingdom submits the following views in response to the invitation in the note from the Secretary-General. These are in addition to the

views expressed in the statement of the United Kingdom in the Sixth Committee on 23 November 1993 (A/C.6/48/SR.36, paras. 14-18).

2. For the reasons given in that statement, the United Kingdom considers that the procedure under article 11 should be terminated. The procedure was instituted in the mid-1950s in response to a particularly difficult situation within the United Nations Secretariat in circumstances quite different from those of today. It has never helped any staff member or Member State, and serves no useful purpose. Any possible advantage in retaining the procedure is far outweighed by the disadvantages (false expectations; delays, costs; inappropriateness of the procedure, both as regards the Committee on Applications for Review of Administrative Tribunal Judgements and the International Court of Justice).

3. The possibility has been raised of retaining the article 11 procedure, but only for Member States that wish to challenge judgements of the Tribunal and not for staff members (or the Secretary-General). The United Kingdom does not consider this necessary. Other remedies are available to Member States, acting through the General Assembly itself, if they wish to question or reverse a Tribunal judgement. They may propose that the General Assembly, under Article 96, paragraph 1, of the Charter of the United Nations, request the International Court of Justice to give an advisory opinion; or the General Assembly may amend the Staff Rules and Regulations.

4. In technical terms, termination of the article 11 procedure would be straightforward. It would require a General Assembly resolution amending the Tribunal's statute as provided for in article 13 thereof, with an appropriate transitional provision. One possibility would be that the article 11 procedure should apply in respect of Administrative Tribunal judgements delivered up to 31 December 1994 but not to those delivered after that date. A draft General Assembly resolution is presented after paragraph 6 below. The United Kingdom considers that such a resolution should be adopted by the General Assembly in 1994.

5. The question has been raised whether some new provision should be made if the article 11 procedure is terminated. The United Kingdom does not consider this necessary. The United Kingdom would not favour the introduction of a system of appeals from Administrative Tribunal judgements. There is already provision for the revision of judgements, under article 12 of the statute, which would not be affected by termination of the article 11 procedure. There has to be an end to litigation somewhere, and in the view of the United Kingdom this should be at the level of the Tribunal.

6. The United Kingdom would be ready to consider other proposals for new measures of protection for staff members, for example a staff ombudsman such as exists in some other international organizations, but these would not be a substitute for the article 11 procedure and their consideration should not, in the view of the United Kingdom, delay termination of the article 11 procedure.

Draft resolution

"The General Assembly

"1. Decides to amend the statute of the United Nations Administrative Tribunal with respect to judgements rendered by the Tribunal after [31 December 1994], as follows:

"(a) Delete article 11;

"(b) Renumber the former articles 12, 13 and 14 as articles 11, 12 and 13 respectively, and in paragraph 3 of article 9 substitute the words 'article 13' for 'article 14';

"(c) Amend paragraph 2 of article 10 to read:

'Subject to the provisions of article 11, the judgements of the Tribunal shall be final and without appeal';

"2. Decides that, with respect to judgements rendered by the Tribunal before [1 January 1995], the statute of the Tribunal shall continue to apply as if the amendments in paragraph 1 above had not been made."

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Item 16 (b) of the preliminary list*

ELECTIONS TO FILL VACANCIES IN SUBSIDIARY ORGANS AND OTHER ELECTIONS

Election of seven members of the Committee for Programme and Coordination

Note by the Secretary-General

1. In accordance with Economic and Social Council resolution 2008 (LX) of 14 May 1976 and General Assembly decision 42/450 of 17 December 1987, the members of the Committee for Programme and Coordination are nominated by the Economic and Social Council and elected by the General Assembly for a term of three years.

2. The membership of the Committee in 1994 is as follows (see General Assembly decision 48/311):

Argentina,*** Bahamas,* Belarus,*** Brazil,*** Cameroon,*** Canada,*** China,** Comoros,*** Congo,*** Cuba,*** Egypt,** France,* Germany,*** Ghana,* India,*** Indonesia,*** Iran (Islamic Republic of),*** Japan,** Kenya,** Netherlands,*** Nicaragua,** Norway,*** Pakistan,*** Republic of Korea,** Romania,*** Russian Federation,* Senegal,*** Togo,** Trinidad and Tobago,*** Ukraine,*** United Kingdom of Great Britain and Northern Ireland,*** United States of America,* Uruguay* and Zambia.*

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* Term of office expires in 1994.

** Term of office expires in 1995.

*** Term of office expires in 1996.

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* A/49/50/Rev.1.

3. The General Assembly, at its forty-ninth session, will, therefore, be called upon to elect seven members, on the nomination of the Economic and Social Council, to fill the vacancies in the Committee that will occur on 31 December 1994 upon the expiration of the terms of office of the following members: Bahamas, France, Ghana, Russian Federation, United States of America, Uruguay and Zambia. In accordance with General Assembly decision 42/450, the vacancies are to be filled as follows:

(a) Two members from African States;

(b) One member from Eastern European States;

(c) Two members from Latin American and Caribbean States;

(d) Two members from Western European and other States.

4. By its decision 1994/222, the Economic and Social Council nominated the following Member States for election by the General Assembly at its forty-ninth session, for a term of three years, beginning on 1 January 1995:

(a) African States (two vacancies): Benin and Ghana;

(b) Eastern European States (one vacancy): Russian Federation;

(c) Latin American and Caribbean States (two vacancies): Bahamas and Mexico;

(d) Western European and other States (two vacancies): France and United States of America.

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Item 16 (a) of the preliminary list*

ELECTIONS TO FILL VACANCIES IN SUBSIDIARY ORGANS AND OTHER ELECTIONS

Election of 12 members of the World Food Council

Note by the Secretary-General

1. The General Assembly, in paragraph 8 of its resolution 3348 (XXIX) of 17 December 1974, decided that the World Food Council should consist of 36 members to be nominated by the Economic and Social Council and elected by the General Assembly for a term of three years, taking into consideration balanced geographical representation, with one third of the members retiring every year and the retiring members being eligible for re-election. The term of the following members expires on 31 December 1994: Albania, Australia, Central African Republic, Germany, Guatemala, Honduras, Indonesia, Nicaragua, Russian Federation, Swaziland, Thailand and Uganda.

2. By its decision 1994/222, the Economic and Social Council, acting in pursuance of paragraph 8 of General Assembly resolution 3348 (XXIX), decided to nominate the following States for election by the Assembly to membership in the World Food Council:

(a) African States (three vacancies): Angola, Kenya and Uganda;

(b) Asian States (two vacancies): Indonesia;

(c) Eastern European States (two vacancies): Russian Federation;

(d) Latin American and Caribbean States (three vacancies): Colombia and Honduras;

(e) Western European and other States (two vacancies).

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* A/49/50/Rev.1.

3. The Council postponed nominations for one member from Asian States, one member from Eastern European States, one member from Latin American and Caribbean States and two members from Western European and other States.

4. In addition, the Council postponed nominations for one member from Eastern European States and one member from Western European and other States whose elections were postponed by the General Assembly at its forty-eighth session.

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HUMAN RIGHTS QUESTIONS:
IMPLEMENTATION OF HUMAN RIGHTS
INSTRUMENTS

ECONOMIC AND SOCIAL COUNCIL
Substantive session of 1994
Agenda item 5 (d)
SOCIAL, HUMANITARIAN AND
HUMAN RIGHTS QUESTIONS:
HUMAN RIGHTS QUESTIONS

Preparation of a plan of action for a United Nations decade for human rights education

Report of the Secretary-General

I. BACKGROUND

World Conference on Human Rights

1. The Vienna Declaration and Programme of Action 1/ adopted by the World Conference on Human Rights (Vienna, 14-25 June 1993) contains many provisions relating to human rights education. In the Declaration, the Conference reaffirmed that, in accordance with international instruments, including the Universal Declaration of Human Rights (General Assembly resolution 217 A (III)) and the International Covenant on Economic, Social and Cultural Rights (General Assembly resolution 2200 A (XXI), annex), States are duty-bound to ensure that education is aimed at strengthening the respect of human rights and fundamental freedoms. Education, it was stated, should promote understanding, tolerance, peace and friendly relations between the nations and all racial or religious groups and encourage the development of United Nations activities in pursuance of those objectives. The Conference affirmed that education on human rights and the dissemination of proper information, both theoretical and practical, play an important role in the promotion and respect of human rights for all, and that this should be integrated in educational policies at both the national and the international level.

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* A/49/50/Rev.1.

2. The Conference further declared human rights education, training and public information to be essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace. It called on States to strive to eradicate illiteracy; to direct education towards the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It also called upon States and institutions to include human rights, humanitarian law, democracy and the rule of law as subjects in the curricula of all learning institutions in formal and non-formal settings. The Conference recommended that States develop specific programmes and strategies for ensuring the widest human rights education and the dissemination of public information, taking into account the World Plan of Action on Education for Human Rights and Democracy, 2/ adopted by the International Congress on Education for Human Rights and Democracy, held at Montreal in March 1993, and other human rights instruments and taking particular account of the human rights needs of women.

3. In addition, the Conference called for a strengthening of the World Public Information Campaign for Human Rights carried out by the United Nations. Further the Conference recommended that the advisory services and technical assistance programmes of the United Nations system should be able to respond immediately to requests from States for educational and training activities in the field of human rights as well as for special education concerning standards as contained in international human rights instruments and in humanitarian law and their application to special groups such as military forces, law enforcement personnel, police and the health profession. Finally, the Conference stated that the proclamation of a United Nations decade for human rights education should be considered in order to promote, encourage and focus the above-mentioned educational activities.

General Assembly

4. The General Assembly, in its resolution 48/127 of 29 December 1993, expressed its conviction that human rights education is a universal priority in that it contributes to a concept of development consistent with the dignity of the human person, which must include consideration of the diversity of groups such as children, women, youths, persons with disabilities, the ageing, indigenous people, minorities and other groups. The Assembly noted that human rights education involves more than providing information but rather is a life-long process by which people at all levels of development and in all strata of society learn respect for the dignity of others and the means and methods of ensuring that respect within a democratic society.

5. Also in resolution 48/127, the Assembly appealed to all Governments to step up their efforts to eradicate illiteracy and to direct education towards the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms, and urged governmental and non-governmental educational agencies to intensify their efforts to establish and implement programmes of human rights education. The Assembly took note of the World Plan of Action on Education for Human Rights and Democracy, adopted by the International Congress on Education for Human Rights and Democracy, and recommended that Governments and non-governmental organizations consider that plan in preparing national plans for human rights education. The Assembly

requested the Commission on Human Rights, in cooperation with Member States, human rights treaty-monitoring bodies, other appropriate bodies and competent non-governmental organizations, to consider proposals for a United Nations decade for human rights education, which should be incorporated by the Secretary-General into a plan of action for such a decade and submitted, through the Economic and Social Council, to the General Assembly at its forty-ninth session, with a view to the proclamation of a decade for human rights education.

6. The General Assembly, further, requested the Secretary-General to consider the establishment of a voluntary fund for human rights education, to be administered by the Centre for Human Rights of the Secretariat, invited the specialized agencies and United Nations programmes to develop activities to further human rights education, and called upon non-governmental organizations, educators, the media and others to increase their involvement in education in human rights, and to cooperate with the Centre for Human Rights in preparing for a United Nations decade for human rights education.

Commission on Human Rights

7. The Commission on Human Rights considered the issue of a decade for human rights education at its fiftieth session. It adopted resolution 1994/51, entitled "Proclamation of a decade for human rights education", in which it requested the Economic and Social Council to request the General Assembly to proclaim the 10-year period beginning on 1 January 1995 as the decade for human rights education. In addition, the Secretary-General was requested to consider the establishment of a voluntary fund for human rights education, and States were urged to develop programmes and books for the teaching of human rights in primary and secondary education. Member States, the specialized agencies and non-governmental organizations were urged to develop plans of work and to allocate resources and provide technical cooperation for support of the objectives of the decade for human rights education, taking into account the multi-ethnic character of many societies and the special needs of groups such as children, women, indigenous populations, minorities and disabled persons. The Commission, further, encouraged the human rights monitoring bodies, in particular the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women, to intensify their efforts in relation to the implementation by States parties of their treaty-based obligations regarding human rights education, and invited the chairpersons of those bodies to reflect on how each committee could best contribute to the promotion of human rights education.

8. The Commission also encouraged the High Commissioner for Human Rights, in cooperation with Member States, the monitoring bodies, intergovernmental organizations and others, to include among his specific objectives a plan of action for a decade for human rights education. Finally, the Secretary-General was invited to present to the General Assembly at its forty-ninth session, through the Economic and Social Council, a plan of action containing any additional activities resulting from consultations taken with the High Commissioner for Human Rights, Member States, bodies specializing in the field, governmental and non-governmental organizations and others.

9. The present report has been prepared pursuant to the requests of the General Assembly and the Commission on Human Rights.

International human rights instruments and human rights education

10. International human rights instruments contain principles relating to education in general and its human rights content in particular. Reference may be made to the Universal Declaration of Human Rights (article 26), the International Covenant on Economic, Social and Cultural Rights (article 13) and the Convention of the Rights of the Child (General Assembly resolution 44/25, annex, articles 28 and 29). These instruments set targets or set forth legal obligations relating to the right to education and its human rights content and two Committees, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child, are mandated to monitor State party fulfilment of their obligations. Education under these three international instruments has the following purposes:

(a) The strengthening of respect for human rights and fundamental freedoms;

(b) The full development of the human personality and the sense of its dignity;

(c) The promotion of understanding, tolerance, gender equality, and friendship among all nations, indigenous peoples, racial, ethnic and religious groups;

(d) The enabling of all persons to participate effectively in a free society;

(e) The furtherance of the activities of the United Nations for the maintenance of peace.

II. CONSULTATIONS REGARDING A PLAN OF ACTION FOR THE DECADE FOR HUMAN RIGHTS EDUCATION

Consultations with human rights treaty bodies

11. Pursuant to the provisions of the Vienna Declaration and Programme of Action relating to human rights education and taking into account the strong interest in this subject shown by the treaty-based bodies prior to and during the World Conference, the Assistant Secretary-General for Human Rights wrote in early December 1993 to the chairpersons of the treaty-monitoring bodies (Human Rights Committee; Committee on Economic, Social and Cultural Rights; Committee on the Rights of the Child; Committee on the Elimination of Racial Discrimination; Committee on the Elimination of Discrimination against Women and Committee against Torture) requesting their guidance and practical suggestions on which rights should be primarily selected for the purpose of human rights education, training and information; what criteria should be adopted to determine which projects submitted by States should be given priority; and which professions or groups should be selected for priority consideration in human

rights education, training and information activities. A request was also made for any suggestions of practical and concrete projects or programmes which could serve to implement the Vienna Declaration and Programme of Action's provisions relating to human rights education, training and information. Detailed replies have been received from the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, the Committee against Torture and the Committee on the Elimination of Discrimination against Women.

Human Rights Committee

12. The Human Rights Committee stated that since its first session in March 1977, it has considered a large number of States parties' reports and individual communications. In undertaking those activities, the Committee has often pointed to the pivotal importance of adequate human rights education, training and public information, which constitute an essential condition for the accomplishment of the objectives set forth in both the Universal Declaration of Human Rights and the International Covenants on Human Rights. Basic information on the fundamental principles and rights enshrined in those texts as well as on the moral and philosophical concepts behind them should thus be, in the view of the Committee, a primary objective of the forthcoming decade for human rights education. Such information should be widely disseminated by any available means and reach the largest possible audience, particularly children. In that regard, specific efforts should be made to ensure that primary and secondary school curricula include in an appropriate way such human rights education.

13. The Committee further stated that specific training should be targeted to the benefit of different categories of persons or professions and related to the interpretation and enforcement of the pertinent rights and freedoms guaranteed in the International Covenant on Civil and Political Rights (General Assembly resolution 2200 A (XXI), annex). Particular attention should be given to the training of law-enforcement officials (police, army, security forces and prison officers), judges, lawyers and members of other professions, such as journalists, whose activities have a direct bearing on the realization of the objectives set out in the Covenant. In implementing human rights education, training and public information programmes, the Committee said that careful consideration should be given to possible assistance from, and cooperation with, international, regional or national institutions, commissions or other bodies engaged in activities in the field of human rights.

Committee on Economic, Social and Cultural Rights

14. The Committee on Economic, Social and Cultural Rights considered the issue of human rights education pursuant to the above-mentioned request during its ninth session, in December 1993. The Committee decided to devote its day of general discussion at its session in December 1994 to human rights education and the promotion of knowledge of the International Covenant on Economic, Social and Cultural Rights. That general discussion will be organized and conducted on as broad a basis as possible with participation encouraged from relevant United Nations and non-governmental organizations. Committee member Mrs. Virginia Bonoan-Dandan was nominated to be the focal point for preparing

the discussions and she was asked to prepare a background paper with the assistance of the Secretariat.

Committee on the Rights of the Child

15. The Committee on the Rights of the Child drew attention to article 29 of the Convention on the Rights of the Child, which, referring to the aims of education, states that education shall be directed to the development of respect for human rights and fundamental freedoms and for the principles enshrined in the Charter of the United Nations. Citing article 28 on the right to education, the Chairperson noted that the Convention places particular importance on the role of education for fostering mutual understanding, peace and tolerance. The Committee stressed that education should be based on the equal enjoyment of rights by all children without any discrimination, the primary consideration of the best interests of the child, the need to ensure the survival and development of all children, and the need to encourage respect for their views and the active participation of children in society.

16. The Committee's view was that, as the provisions of the Convention address an entire set of rights which are elements of an interdependent and mutually reinforcing entity, it would not be advisable to emphasize, for purposes of human rights education, any specific rights. Rather, for the Committee, an overall integrated approach to human rights education should be employed in the development of programmes. As to categories of persons to be given priority in human rights education, the Committee listed law enforcement officials, teachers, the judiciary, social workers, the medical profession, the mass media, employers and labour inspectors, and children themselves. The Committee concluded by suggesting that human rights education efforts should reach the largest possible audience, through the use of formal education, and through other measures, such as the production of audio-visual materials.

Committee against Torture

17. The Committee against Torture convened an informal working group of the Committee to deal with human rights education during its twelfth session, in April 1994. The Committee noted that article 10 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 39/46, annex) imposes on States parties duties with regard to education and information on the prohibition against torture. The Committee was of the opinion that human rights educational activities, including those addressing the prohibition against torture, should be directed to as wide a public as possible. For the Committee, this could be accomplished, inter alia, through the use of national human rights commissions, and primary, secondary and post-secondary education institutions.

18. The Committee was of the view that educating the public on the prohibition of torture should be a priority in human rights education efforts, and that special emphasis should be given in this regard to the training of law enforcement personnel, medical personnel, prison officials, and other such groups. The Committee added that these target groups should not be seen as exclusive, but that educating the general public on human rights issues was of

great importance. The Committee provided a number of detailed suggestions relating to education for the particular target groups.

Committee on the Elimination of Discrimination against Women

19. The Committee on the Elimination of Discrimination against Women considered the question of human rights education at its 1994 session in New York. The members of the Committee indicated that they would like to take an active part in the preparation and implementation of the plan of action for the decade for human rights education. The information materials prepared for the decade should include the rights of women and information about the work of implementing the Convention on the Elimination of All Forms of Discrimination against Women (General Assembly resolution 34/180, annex). One of the likely themes of the Fourth World Conference on Women, to be held at Beijing in 1995, is increasing awareness on the part of women of their rights and the Committee suggested that the Conference would provide an excellent opportunity for the Committee, all of whose members are expected to attend, the Centre for Human Rights, specialized agencies and a large number of concerned non-governmental organizations to meet to discuss how this concern can be included in the activities of the decade for human rights education.

20. The Committee stated that projects submitted by States parties relating to education about women's rights clearly deserve priority, including those which emphasize education about the Convention on the Elimination of All Forms of Discrimination against Women. In the Committee's view, accomplishing the goal of the decade implies recognizing the importance of the human rights activities of the Centre and of the Committee on the Elimination of Discrimination against Women, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Labour Organization and the competent non-governmental organizations. The Committee further stated that it would be important for all of those bodies to constitute a kind of advisory body for States in the development and enhancement of regional and national programmes and projects in human rights education. Special focus should be given to reaching women at the grass-roots level. Similarly, in its country projects in advisory services, the Centre for Human Rights should include elements for human rights education aimed at sex equality and women's participation, especially in the democratization process.

Specialized agencies and United Nations programmes

21. During regular inter-agency consultations the Centre for Human Rights has discussed with specialized agencies and United Nations programmes human rights education, training and information, in particular with a view to preparing for the decade for human rights education. An informal working group has been set up to review the activities of the various organizations and programmes in the field of human rights education, to exchange information and ideas and to coordinate human rights education activities.

22. UNESCO has provided information on the areas in which it has been focusing its human rights educational efforts. These include promotion of normative action; preparation, dissemination and implementation of action plans for the development of human rights education; preparation of guidelines for various

target audiences involved in the educational process, including teacher-trainers and those responsible for curriculum development; preparation of teaching materials for various levels and forms of education; and promotion of international and regional networks of educational and research institutions dealing with education for peace and human rights. Information was also provided on the World Plan of Action on Education for Human Rights and Democracy.

23. The Office of the United Nations High Commissioner for Refugees (UNHCR) has provided a note setting forth the High Commissioner's approach and activities in the area of refugee law promotion, dissemination and training. The note explained that the traditional approach of UNHCR in its training and dissemination efforts was to promote knowledge and understanding of existing international refugee protection norms and their national implementation. While those factors remained primary objectives for UNHCR, they had now been supplemented by a new approach which focused on prevention, and included attention to human rights instruments, systems and issues. UNHCR is making arrangements to strengthen its capacity to deliver human rights education in these areas, including through the expansion of staff, and the out-posting of training coordinators in important field locations.

24. The Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat stated that efficient and fair criminal justice systems are essential to sustainable social and economic development, and that, therefore, United Nations standards and norms in criminal justice should be subject to the widest possible dissemination. Of particular importance, for the Branch, was assistance in this area to developing countries and countries in transition. The Branch noted the importance of developing manuals and handbooks on the subject.

25. Further information on human rights education is expected to be received for the specialized agencies and United Nations programmes.

Consultations with non-governmental organizations

26. During the fiftieth session of the Commission on Human Rights, a consultation on the question of human rights education, regarding in particular proposals for inclusion in a plan of action for the decade for human rights education, was organized by the Centre for Human Rights. A large number of non-governmental organizations, several specialized agencies and other organizations took part. The preparation of a plan of action for the decade was discussed and the possible contributions of various organizations were reviewed. The importance of human rights education was stressed, as was the need to keep in mind the ongoing activities and the past experience of non-governmental organizations. Non-governmental organizations were invited to make in writing any specific recommendations they might have regarding the plan of action. The Organizing Committee for the People's Decade of Human Rights Education transmitted very detailed suggestions for an approach to the United Nations decade for human rights education and for specific activities for inclusion in a plan of action.

Further consultations

27. Notes verbales have been sent to all States informing them of General Assembly resolution 48/127 and Commission on Human Rights resolution 1994/51 and requesting any proposals which they might wish to make for incorporation into the draft plan of action for the United Nations decade for human rights education. Further, letters requesting such information have been addressed to the specialized agencies, human rights treaty-monitoring bodies, and regional and non-governmental organizations.

III. CENTRE FOR HUMAN RIGHTS AND HUMAN RIGHTS EDUCATION

28. The Centre for Human Rights has for many years been involved in human rights education, principally through its information programme, including the World Public Information Campaign for Human Rights, and through the programme of advisory services and technical assistance in the field of human rights. In the past few years, the scope of the Centre's educational activities has expanded considerably and strategies have been and continue to be developed to ensure that a comprehensive and effective programme is in place. These activities are described in some detail in the reports of the Secretary-General to the Commission on Human Rights on development of public information activities in the field of human rights including the World Public Information Campaign for Human Rights (E/CN.4/1994/36) and on advisory services in the field of human rights (E/CN.4/1994/78).

29. In addition, the report of the Secretary-General on actions taken in relating to the proclamation of a decade for human rights education (E/CN.4/1994/39) contains a section on the present and future role of the Centre for Human Rights in human rights education. The Centre will have a key role to play under the overall supervision of the High Commissioner for Human Rights in the plan of action for the decade for human rights education.

IV. ROLE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

30. The High Commissioner for Human Rights has as one of his principal responsibilities coordinating relevant United Nations education and public information programmes in the field of human rights (General Assembly resolution 48/141). More specifically, the Commission on Human Rights encouraged the High Commissioner, acting in cooperation with Member States, the monitoring bodies, international organizations, competent non-governmental organizations and other relevant organs, to include among his specific objectives a plan of action for the United Nations decade for human rights education (Commission resolution 1994/51). The High Commissioner, since his appointment, has given high importance to human rights education, in particular to the preparations for the decade for human rights education. From the High Commissioner's point of view human rights education is in effect essential for the encouragement of stable and harmonious intercommunity relations, for mutual tolerance and understanding and finally for peace. It is thus important for all individuals, all groups and all peoples to be informed of the rights to which they can aspire and the machinery existing for their protection. The decade for

human rights education and the development of a special programme to promote and encourage all the activities in this sphere will, with the cooperation of States, specialized agencies including UNESCO, and non-governmental organizations, contribute towards a "universal human rights culture" which constitutes the best preventive measure against infringements of human rights. A comprehensive approach to human rights education and training should be adopted with special attention to those groups that are in a position to exercise an influence on the human rights of others through the education and training of specialists, "the training of trainers". Among the target groups could be primary and secondary school teachers, magistrates, senior officials and members of the police and the armed forces.

31. Inter-agency cooperation and coordination is essential to human rights education. The High Commissioner underlined the importance of education for human rights during the first meeting of 1994 of the Administrative Committee on Coordination. The High Commissioner has also discussed this issue with Governments, members of treaty-monitoring bodies and non-governmental organizations and stressed the importance of human rights education in the programme of advisory services and technical cooperation.

32. The discussions and decisions of the Economic and Social Council concerning the decade for human rights education will be of crucial importance for the preparation of the plan of action to be submitted to the General Assembly. Also of high importance are the discussions and decisions on this matter of the General Assembly during its forty-eighth session and the Commission on Human Rights at its fiftieth session. Other important elements will emerge from ongoing consultations with Governments, specialized agencies, concerned sectors of the Untied Nations Secretariat, other international organizations, treaty-monitoring bodies and non-governmental organizations. It is the intention of the High Commissioner to review these elements and contributions carefully and to prepare a draft plan of action which will be widely discussed before its submission to the General Assembly.

Notes

1/ A/CONF.157/24 (Part I), chap. III.

2/ See A/CONF.157/PC/42/Add.6.

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COOPERATION BETWEEN THE UNITED NATIONS AND THE ASIAN-AFRICAN LEGAL CONSULTATIVE COMMITTEE

Report of the Secretary-General

1. The present report is prepared pursuant to paragraph 5 of General Assembly resolution 47/6 of 21 October 1992 entitled "Cooperation between the United Nations and the Asian-African Legal Consultative Committee".

2. The General Assembly, by its resolution 35/2 of 13 October 1980, invited the Asian-African Legal Consultative Committee (AALCC) to participate in its sessions and its work in the capacity of observer. A Permanent Observer Mission to the United Nations was thereafter established in New York. On the occasion of the commemoration of the Committee's twenty-fifth anniversary, the Assembly, in its resolution 36/38 of 18 November 1981, requested the Secretary-General of the United Nations to carry out consultations with the Secretary-General of AALCC with a view to strengthening further and widening the scope of cooperation between the two organizations. In its resolution 39/47 of 10 December 1984, the Assembly commended AALCC for orienting its programme to strengthening its supportive role to the work of the United Nations in wider areas. The item had been considered by the Assembly annually until its forty-first session and then at its forty-third, forty-fifth and forty-seventh sessions.

3. In its resolution 47/6, the General Assembly, inter alia, noted with satisfaction the continuing efforts of AALCC towards strengthening the role of the United Nations and its various organs, including the International Court of Justice, through programmes and initiatives undertaken by the Committee; the commendable progress achieved towards enhancing cooperation between the United Nations and AALCC in wider areas; and the decision of AALCC to participate actively in the programmes of the United Nations Decade of International Law. The Assembly decided to include the item entitled "Cooperation between the United Nations and the Asian-African Legal Consultative Committee" in the provisional agenda of its forty-ninth session.

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A. Cooperative framework

4. Pursuant to the cooperation framework agreed upon by the two organizations, consultations have routinely been conducted on matters of common interest, in particular, regarding representation at meetings and sessions, exchange of documentation and information, and the identification of areas where the supportive role of AALCC might be most productive. During the period under review, meetings were held between the Secretary-General of the United Nations and the Secretary-General of AALCC. Pursuant to those consultations, AALCC has tried to orient its work programmes to accord priority to matters that are of current interest to the United Nations and to initiate actions with a view to strengthening the role of the United Nations. The areas of cooperation now cover matters in the economic and humanitarian fields as well as in the field of international law.

B. Representation at meetings and conferences

5. During the period under review, AALCC was represented at various meetings and conferences held under the auspices of the United Nations and its organs and agencies, including the regular sessions of the General Assembly, the International Law Commission, the United Nations Commission on International Trade Law (UNCITRAL), the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea, the informal consultations on the Law of the Sea, the Preparatory Committee for the World Conference on Human Rights, the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, the Intergovernmental Negotiating Committee for the elaboration of an international convention to combat desertification in those countries experiencing serious drought and/or desertification, particularly in Africa, the Intergovernmental Committee for a Framework Convention on Climate Change, and the Commission on Sustainable Development.

6. At its thirty-second session held in 1993 at Kampala, AALCC established an open-ended Working Group on Human Rights with the mandate of preparing a draft declaration on human rights, which was subsequently adopted as the Kampala Declaration on Human Rights. The text 1/ was circulated at the fourth session of the Preparatory Committee for the World Conference on Human Rights.

7. Representatives of various United Nations bodies were represented at the thirty-second session of AALCC including the Executive Secretary of the Economic Commission for Africa, the Vice-President of the International Court of Justice, the Chairman of the International Law Commission, the representatives of UNCITRAL, the United Nations Environment Programme, the Office of the United Nations High Commissioner for Refugees (UNHCR), and the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders. The Secretary-General of the United Nations was also represented. The thirty-third session of AALCC was held in Tokyo in January 1994 and was similarly attended by a representative of the Secretary-General, the Chairperson of the Sixth Committee of the General Assembly, the Chairman of International Law Commission and representatives of UNHCR and of the World Bank.

C. Role of the United Nations and the United Nations Decade of International Law

8. In 1985, AALCC prepared a study on "Strengthening the role of the United Nations through rationalization of its functional modalities with special reference to the General Assembly" (A/40/726 and Corr.1, annex), providing an overall assessment of the functioning of the United Nations, and subsequently, a set of recommendations on the improvement of the functioning of the General Assembly was prepared (see A/41/437, annex). Since then AALCC has continued to follow up on the implementation of the relevant resolutions relating to this subject, on the work of the Special Committee on the Charter of the United Nations and on Strengthening the Role of the Organization as well as the progress on various other related proposals.

9. Pursuant to General Assembly resolution 44/23 of 17 November 1989, in which the Assembly, inter alia, declared the period 1990-1999 as the United Nations Decade of International Law, AALCC prepared a paper identifying a number of issues involved and activities that might be undertaken during the Decade. At its twenty-ninth session held in Beijing in March 1990, AALCC urged greater collaboration with the United Nations in that regard. A report on the role that AALCC can play in the realization of the objectives of the Decade was thereafter submitted to the Secretary-General (see A/45/430, annex).

10. In cooperation with the Government of Qatar, an international conference was organized by AALCC in March 1994 at Doha to promote the objectives of the United Nations Decade of International Law. The conference was attended by senior government officials, the representative of the Secretary-General of the United Nations, officials of the United Nations system, and jurists from developing and developed countries (see A/48/312, paras. 45, 80 and 107).

D. Promoting wider use of the International Court of Justice

11. AALCC continues its efforts in promoting wider use of the International Court of Justice. It may be recalled that it had prepared for the fortieth session of the General Assembly a study on the question of possible wider use of the International Court of Justice, which was circulated to Member States (see A/40/682, annex). The study focused attention on the advantages to be obtained by using the Court or its Special Chamber. A colloquium was held in October 1986 at United Nations Headquarters to provide opportunities for in-depth explanation of the available procedures under the revised Rules of Court for resolving disputes in matters referred to it under special agreements, with special reference to the use of special chambers.

12. A meeting of the Legal Advisers of the AALCC Member States was convened at United Nations Headquarters in New York in November 1991 to consider, inter alia, the issue of peaceful settlement of disputes. In addressing the meeting, the President of the International Court of Justice, Sir Robert Jennings, referred to the renewed increasing support for the Court in the General Assembly, and to the usefulness of advisory opinions of the Court.

13. AALCC prepared a study on the enhanced utilization of the International Court of Justice in matters relating to the protection and preservation of the environment.

14. The General Assembly, in its resolution 44/23 on the United Nations Decade of International Law, recognizes that one of the main objectives of the Decade is to promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice. The use of the Court by such AALCC member States as Bahrain, the Islamic Republic of Iran, the Libyan Arab Jamahiriya and Qatar for the settlement of their disputes may therefore be noted.

E. Measures designed to further the work of the Sixth Committee

15. In fulfilment of its function of rendering assistance to its member States for active participation in the work of the General Assembly, AALCC prepares on a regular basis notes and comments on items before the Sixth Committee, including the report of the International Law Commission and UNCITRAL. During the period under review, consultations were arranged during the General Assembly between the representatives of AALCC member States and other interested Governments to provide opportunities for an exchange of views on those matters.

16. AALCC continued to follow closely the work of the International Law Commission and has included the work of the Commission and the question of non-navigational uses of international watercourses in its current work programme.

17. AALCC attaches great significance to the items on the agenda of the International Law Commission as they are of particular relevance to its members. In pursuance of the mandate of the thirty-third session, the Secretary-General of the Committee recently brought to the attention of the International Law Commission the views of the member Governments on the work of the International Law Commission at its previous session.

18. Collaboration also continued between AALCC and UNCITRAL. During the period under review, AALCC was represented at the twenty-sixth session of UNCITRAL and had prepared notes and comments on the work of the twenty-sixth session of UNCITRAL.

F. Measures for the promotion of ratification and implementation of the United Nations Convention on the Law of the Sea

19. AALCC has urged its Member States which have signed the United Nations Convention on the Law of the Sea to consider ratifying the Convention in order to allow its early implementation. It has also made an appeal to all other States to consider ratifying or acceding to the Convention at the earliest possible date. At its thirtieth session held at Cairo in 1991, AALCC considered a note prepared by its Secretariat on the significance and cost of ratification of the Convention. AALCC has also considered matters relating to the Preparatory Commission for the International Seabed Authority and for the

International Tribunal for the Law of the Sea since 1984. At its thirty-first session, held at Islamabad in 1992, AALCC urged the International Law Commission to consider including in its work programme an item entitled "Reservation for peaceful purposes of the international seabed area and the high seas for marine scientific research".

20. AALCC was represented during the period under review at sessions of the informal consultations organized by the Secretary-General on resolving outstanding issues relating to deep seabed mining provisions on the Law of the Sea, and had prepared a report on the informal consultations, which was submitted to its thirty-third session.

G. International economic cooperation for development

21. During the period under review, AALCC participated in the sessions and meetings of the Economic and Social Council, the United Nations Conference on Trade and Development and UNCITRAL. It has also prepared model bilateral agreements for promotion and protection of investments so as to generate a wider flow of capital and technology to the developing countries in the Asian-African region. Steps have been taken to promote wider appreciation of the model agreements among the Governments of the Asian-African region.

22. At its thirty-first session in 1991, AALCC adopted a legal framework for promoting industrial joint ventures in the Asian-African region. Member States of the Committee were urged to publicize those guidelines in their respective countries for wider use. This legal framework is being updated in the light of the amendments that may have been effected in the national laws or model contracts pertaining to joint-venture arrangements in use in the region. AALCC intends to prepare a legal guide on joint ventures similar to the one prepared by UNCITRAL on drawing up of international contracts for industrial works.

23. AALCC is particularly interested in legal issues involved in the privatization of public sector undertakings and the liberalization of economic activities as a means to increase economic efficiency, growth and sustainable development in the context of economic restructuring programmes. As a result, it convened a special meeting on developing institutional and legal guidelines for privatization and post-privatization regulatory framework during its thirty-third session.

24. Under an AALCC scheme for settlement of disputes in economic and commercial transactions, two regional arbitration centres have been established at Kuala Lumpur and Cairo. One of the objectives of these centres is to help in the promotion and implementation of the UNCITRAL arbitration rules. Steps are being taken to establish and make operational a similar centre at Nairobi for serving the countries in eastern and southern Africa.

25. AALCC prepared studies on establishing a centre for research and development of legal regimes applicable to the economic activities in developing countries, and on how to strengthen its capabilities to collect and disseminate information and data from various United Nations agencies and other bodies. A Data Collection Unit has been established and is functioning at the headquarters

of the Committee. The main function of the Unit is to collect information on the laws and regulations of AALCC member States. The Unit has been working in close cooperation with the relevant international organizations in this regard.

26. AALCC is concerned with the question of the debt burden of developing countries and has prepared various studies on the subject. The current focus has been on efforts initiated in recent times to mitigate the effects of debt burden. At the thirty-third session of the Committee, the secretariat of AALCC was requested to continue monitoring developments in this field. A progress report covering the legislative activities of the United Nations and other international organizations concerned with international trade law is prepared and distributed for the information of its member States at each annual session of the Committee.

H. Question of refugees

27. AALCC has been actively engaged in the study of refugee law and refugee problems and has, for that purpose, been working in close cooperation with UNHCR.

28. The concept of establishing a safety zone for displaced persons in the country of origin has been studied by AALCC, and it had identified a set of 13 principles which may be incorporated in a framework for creating safety zones in the country of origin. At the thirty-third session of the Committee the secretariat of AALCC was directed to study further the concept of safety zones and to analyse the role played by the United Nations and UNHCR, particularly regarding their experience in recent years.

29. In 1991, AALCC organized jointly with UNHCR a workshop on "International Refugee and Humanitarian Law in the Asian-African Region". The objective of the workshop was to enhance the awareness of government authorities of the international instruments concerning refugees and to promote wider acceptance among AALCC member States of the 1951 Convention and the 1967 Protocol relating to the Status of Refugees. The workshop, inter alia, recommended that AALCC should consider the possibility of preparing a draft model legislation relating to refugees. AALCC has undertaken the drafting of a Modular Legislation on the Rights and Duties of the Refugees in the light of principles of international law and practice of States in the region. The Modular Legislation will be transmitted to all Member States for their consideration and comments.

I. Zones of peace and international cooperation

30. A study on the Indian Ocean as a zone of peace was considered by AALCC at its twenty-ninth session. The secretariat of AALCC was requested to establish close cooperation in that regard with the United Nations Ad Hoc Committee on the Indian Ocean and to monitor its work. In October 1993, the Chairman of the Ad Hoc Committee on the Indian Ocean addressed a meeting of the legal advisers of the member States of AALCC convened at the United Nations Headquarters in New York.

J. Illicit traffic in narcotic drugs

31. AALCC continues to monitor developments in the field of international control of narcotic drugs and psychotropic substances, and has urged its Members who have not already done so to ratify or accede to the relevant international instruments in that field. AALCC was represented at the meetings of the United Nations Commission on Crime Prevention and Criminal Justice.

K. Other issues currently before AALCC

32. AALCC continues its interest in the analysis of international instruments adopted by the United Nations Conference on Environment and Development, held at Rio de Janeiro in June 1992, and was represented at the Intergovernmental Negotiating Committee for the elaboration of an international convention to combat desertification in countries experiencing serious drought and/or desertification, particularly in Africa. It has undertaken a study of the draft Convention on Combating Desertification and Mitigation of Drought adopted by the Intergovernmental Negotiating Committee at its meeting held in Paris in June 1994. The proposed study is expected to assist the representatives of the member States and facilitate the adoption of the proposed Convention. At its thirty-third session, the secretariat of AALCC was directed to continue to monitor the progress in environmental matters particularly towards the implementation of Agenda 21. 2/

33. Following its consideration of the proposals made by the Secretary-General in his report entitled "An Agenda for Peace" (A/47/277) AALCC is now preparing studies on legal issues concerning mine clearance, protection of personnel engaged in peacemaking, peace-keeping and other humanitarian activities.

34. Since its twenty-seventh session, AALCC has included in its agenda an item entitled "Deportation of Palestinians as a violation of international law, particularly the 1949 Geneva Conventions". This item has been considered at successive sessions of the Committee and remains on the work programme of the Committee.

Notes

1/ A/CONF.157/PC.62/Add.9.

2/ Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992, vol. I, resolution I, annex II.

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Forty-ninth session
Item 12 of the preliminary list*
REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

ECONOMIC AND SOCIAL COUNCIL
Substantive session of 1994
Agenda item 5 (c)
SOCIAL, HUMANITARIAN AND HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES BY THE SPECIALIZED AGENCIES AND THE INTERNATIONAL INSTITUTIONS ASSOCIATED WITH THE UNITED NATIONS

Assistance to the Palestinian people

Report of the Secretary-General

1. On 21 December 1993, the General Assembly adopted resolution 48/213, entitled "Assistance to the Palestinian People", in which it, inter alia, took note of the report of the Secretary-General; expressed its appreciation to him for his rapid response and efforts regarding assistance to the Palestinian people; expressed its appreciation to the Member States, United Nations bodies and intergovernmental and non-governmental organizations that have provided and continue to provide assistance to the Palestinian people; welcomed the results of the Conference to Support Middle East Peace, convened in Washington, D.C., on 1 October 1993; urged Member States, international financial institutions of the United Nations system, international intergovernmental and non-governmental organizations and regional and interregional organizations to extend, as rapidly and as generously as possible, economic and social assistance to the Palestinian people in order to assist in the development of the West Bank and Gaza, and to do so in close cooperation with the Palestine Liberation Organization (PLO) and

* A/49/50/Rev.1.

through official Palestinian institutions; considered that an active United Nations role in assisting in the implementation of the Declaration of Principles on Interim Self-Government Arrangements, including its annexes and agreed minutes (A/48/486-S/26560, annex), could make a positive contribution; called upon relevant organizations and agencies of the United Nations system to intensify their assistance in response to the urgent needs of the Palestinian people, and to improve coordination through an appropriate mechanism under the auspices of the Secretary-General; urged Member States to open their markets to exports from the West Bank and Gaza on the most favourable terms, consistent with appropriate trading rules; suggested the convening in 1993/94, under the appropriate United Nations auspices, of a seminar on Palestinian trade and investment needs in the light of the new developments; requested the Secretary-General to ensure the coordinated work of the United Nations system for an adequate response to the needs of the Palestinian people and to mobilize financial, technical, economic and other assistance; and also requested him to submit a report to the Assembly at its forty-ninth session, through the Economic and Social Council, on the implementation of the resolution, containing: (a) an assessment of the assistance actually received by the Palestinian people; and (b) an assessment of the needs still unmet and specific proposals for responding effectively to them.

2. Deeply conscious of the new challenges to the United Nations resulting from the mutual recognition between the Government of the State of Israel and the PLO and the signing by them of the Declaration of Principles on 13 September 1993, and with a view to implementing the mandate entrusted to him in resolution 48/213, the Secretary-General has taken a number of steps aimed at enhancing economic and social assistance to the Palestinian people.

3. In early September 1993, when news of the breakthrough in Israeli-Palestinian negotiations became public, the Secretary-General established a high-level task force to identify new activities and projects that could be rapidly implemented by the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA), the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF), and the United Nations agencies with an established presence in the occupied territories. These activities would be carried out in addition to the agencies' regular programmes and would be launched as soon as funding was secured. The report of the task force, which identified immediate additional needs for the Palestinian people, assessed at $138 million, was circulated at the Conference to Support Middle East Peace, convened by the United States and the Russian Federation as co-sponsors of the peace process, at Washington, D.C., on 1 October 1993. Conference participants acknowledged that, in view of its extensive operations in the area, the United Nations would be an effective channel for such assistance, especially in the short-term. In the nine months since the Conference, UNRWA and UNDP have received donor commitments of $86 and $42 million, respectively, representing more than 90 per cent of the funds requested.

4. In addition to implementing projects that would have an immediate impact on the economy of the West Bank and Gaza, thereby generating new employment, with a resulting multiplier effect, the Secretary-General has been committed to the strengthening of Palestinian institutions, in particular those which will

support the Palestinian Authority. On 14 September 1993, the day after the signing of the Declaration of Principles, the Chairman of the Executive Committee of the PLO, Mr. Yasser Arafat, in a meeting with the Secretary-General, requested United Nations technical assistance in a variety of sectors, in particular for building the Palestinian administration to be entrusted with the tasks of self-government. He subsequently requested, in a letter to the Secretary-General dated 10 December 1993, United Nations assistance in training the Palestinian police force envisaged in the Declaration of Principles.

5. In response to those requests, the Secretary-General dispatched, in October 1993, a technical mission to Tunis and the occupied territories, for consultations with the Palestinian leadership. The mission also met with senior officials in Egypt, Jordan and Israel. The parties welcomed the intention of the Secretary-General to ensure a unified and coherent approach in the provision of economic, social and other assistance in the occupied territories. The mission also met with representatives of the United Nations agencies and programmes in the West Bank and Gaza, as well as the World Bank team that was visiting the area at the time. In the light of the findings of the mission, the Secretary-General was persuaded of the need to appoint a high-level personality who would serve as a focal point for all United Nations economic, social and other assistance to the Palestinians in the occupied territories.

6. In that connection, the Secretary-General followed closely the negotiations during the forty-eighth session of the General Assembly on the draft resolution on assistance to the Palestinian people, which, for the first time, was adopted by consensus. Paragraphs 7 and 10 of resolution 48/213, which emphasize the need for coordinated work by the programmes and agencies of the United Nations system, strengthened his conviction that, given the complexity and sensitivity of the situation in the region and the multiplicity of actors outside the United Nations system that would be involved during the transitional phase, it would be necessary to establish a specific mechanism to ensure effective coordination and intensification of United Nations assistance to the Palestinian people to meet their immediate and longer-term needs.

7. On 28 May 1994, the Secretary-General announced the appointment of Ambassador Terje Roed Larsen of Norway as Special Coordinator in the Occupied Territories. The announcement was made within weeks of the 4 May signing at Cairo by Israel and the PLO of the agreement on Gaza and Jericho, which represents the first phase of implementation of the Declaration of Principles. A copy of the agreement, which is over 200 pages long, was officially conveyed to the Secretary-General on 27 May 1994 and is being issued as part of an official document under the symbol A/49/180-S/1994/727.

8. Mr. Larsen made an initial visit to the occupied territories from 15 to 23 June, during which he met representatives of the Palestinian Authority in Gaza and Jericho, as well as Palestinian representatives from throughout the occupied territories, in a meeting at Orient House in East Jerusalem. During his stay, he also met with the Foreign Minister of Israel, Mr. Shimon Peres, and senior officials in the Ministry for Foreign Affairs. The visit provided an opportunity for extensive field visits to United Nations projects throughout the West Bank and Gaza, and consultations with local representatives of UNRWA, UNDP,

UNICEF and the World Health Organization (WHO). Following his stay in the occupied territories, Mr. Larsen visited Tunis, where he met Chairman Arafat and other senior PLO officials.

9. On 29 June 1994, the Secretary-General convened an inter-agency meeting of 17 organizations of the United Nations system to discuss their current or prospective assistance to the Palestinian people and to lay the groundwork for a mode of operations under the overall guidance of the Special Coordinator in the Occupied Territories. Participants in the meeting agreed on the need for an integrated and coherent approach in providing United Nations economic, social and other assistance in the occupied territories. The meeting is being followed up by bilateral contacts between the Special Coordinator and the heads of relevant United Nations programmes and specialized agencies, particularly those which, for the first time, are about to launch programmes in the area.

10. With respect to Chairman Arafat's request for United Nations assistance in training the Palestinian police force, the Secretariat, together with representatives of France, the Netherlands, Norway, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland, have set up a training programme for future instructors of the police force. The programme was submitted to the PLO in May 1994. The Special Coordinator received a positive response regarding the package during his meeting with Chairman Arafat at Tunis on 24 June.

11. As the Special Coordinator has just begun to undertake his new functions and will establish residence in the occupied territories only in August, it has not yet been possible for him to assess the assistance actually received by the Palestinian people, to assess the needs still unmet and to make specific proposals for responding effectively to them, as called for in paragraph 11 of resolution 48/213. A report on the matter will be submitted to the General Assembly at its forty-ninth session during the autumn.

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GENERAL ASSEMBLY
Forty-ninth session
Items 104 (a) and (b) of the preliminary list*
HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS
HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

ECONOMIC AND SOCIAL COUNCIL
Substantive session of 1994
Agenda item 5 (d)
SOCIAL, HUMANITARIAN AND HUMAN RIGHTS QUESTIONS: REPORTS OF SUBSIDIARY BODIES, CONFERENCES AND RELATED QUESTIONS: HUMAN RIGHTS QUESTIONS

Letter dated 18 July 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit, enclosed herewith, the information from the Federal Republic of Yugoslavia on the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

I should be grateful if you would have the present letter and its annex circulated as an official document of the General Assembly under items 104 (a) and (b) of the preliminary list and of the Economic and Social Council under agenda item 5 (d).

(Signed) Dragomir DJOKIĆ
Ambassador
Chargé d'affaires a.i.

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* A/49/50/Rev.1.

ANNEX

Information from Yugoslavia on the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

I.

1. On the basis of the continued personality of the Socialist Federal Republic of Yugoslavia, the Federal Republic of Yugoslavia undertook by its Constitution of 27 April 1992 to fulfil, in good faith, all its commitments under the universal declarations and international covenants it had subscribed to. In this context, the Federal Republic of Yugoslavia honours, and will continue to do so, the letter and spirit of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

2. Proceeding from the text of the Declaration, the freedoms and rights of man and citizen ensuring the equality of people and citizens of the Federal Republic of Yugoslavia are guaranteed by the Constitution of the Federal Republic of Yugoslavia and the Constitutions of its constituent Republics (Republic of Serbia and the Republic of Montenegro) and by appropriate laws. One of the basic constitutional principles contained in all three Constitutions is the principle of the freedom and equality of all citizens. This principle proclaims the equality of all citizens in their rights and duties, regardless of national origin, race, sex, language, religion, political or other belief, education, social origin, property or any other personal quality.

3. In addition, the Constitutions of the Federal Republic of Yugoslavia and its constituent Republics guarantee the equality of all citizens before the law.

4. Citizens are guaranteed the freedom of assembly and other peaceful gathering (including religious assemblies) without prior approval, with prior notification to the competent authority. This is a concession vis-à-vis the previous Constitution, according to which it was necessary to obtain approval from the competent authority.

5. The Constitutions of the Federal Republic of Yugoslavia and its constituent Republics guarantee the freedom of belief, public or private practice of religion and the performance of religious rites. Similarly, no one is obliged to declare his/her religion.

6. It is unconstitutional and punishable to incite and encourage national, racial, religious or any other hatred or intolerance.

7. According to the Constitutions of the Federal Republic of Yugoslavia and its constituent Republics, the Church is separated from the State. Churches are equal and free to conduct religious business and services.

8. International covenants, ratified and published in accordance with the Constitution of the Federal Republic of Yugoslavia and the generally recognized

rules and principles of international law are an integral part of the domestic legal system. As the Declaration was accepted in accordance with the Constitution, it can be directly implemented before courts and administrative organs.

9. The legal system of the Federal Republic of Yugoslavia regulates in a satisfactory manner the criminal and legal protection of the freedom of thought, conscience and religion, that is, freedom to have a religion or whatever belief of his choice and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching (art. 1, para. 1, of the Declaration).

10. Article 134 of the Criminal Code of the Federal Republic of Yugoslavia incriminates incitement to national, racial and religious hatred, rift and intolerance. In addition to national and racial equality, the said incrimination is aimed at protecting religious equality as stipulated in article 1, paragraph 1, of the Declaration. The perpetrator of the ensuant criminal offence shall be punished with imprisonment from one to five years. The criminal offence also has two graver degrees. The first degree consists of the commission of the criminal offence by way of coercion, harassment, endangerment of safety, exposure to ridicule of religious freedoms, damage to other people's property or the desecration of monuments, tombstones or graves - in which case the perpetrator shall be punished with imprisonment from one to eight years. The second degree consists of the commission of the criminal offence by way of the abuse of the position or authority (art. 2, para. 1 and art. 4, para. 1, of the Declaration) or of causing unrest, violence or other serious consequences for the common life of peoples and minorities living in the Federal Republic of Yugoslavia - in which case the perpetrator shall be punished with imprisonment from one to ten years.

11. Furthermore, article 186 of the Criminal Code of the Federal Republic of Yugoslavia, article 60 of the Penal Law of the Republic of Serbia and article 52 of the Penal Law of the Republic of Montenegro incriminate the violation of the equality of citizens, that is, the violation of equality (the Penal Law of the Republic of Montenegro). This criminal offence is punishable with imprisonment from three months to five years both under the federal and republican penal laws if committed by an official person by way of withholding or restricting, on the basis of differences in, inter alia, religion or religious belief, the rights of citizens provided for by the Constitution, laws or any other regulation or general act or a ratified international covenant or by way of the provision of benefits or facilities on the basis of these differences.

12. The republic Penal Laws explicitly protect religious rites (art. 240 of the Penal Law of the Republic of Serbia and art. 228 of the Penal Law of the Republic of Montenegro) by stipulating that a person disrupting or preventing the performance of religious rites shall be fined or imprisoned up to one year.

13. As to article 6, paragraph 1 (h), of the Declaration, the observance of prescribed days of rest, celebration of religious holidays and ceremonies in accordance with the precepts of one's religion or belief is regulated by republican regulations. Thus, article 2a of the Law on Public Holidays of the Republic of Serbia provides for the right of employees to be absent from work in the course of one year on religious holidays as follows:

(a) Orthodox - on the first day of Christmas, 7 January, second day of Easter and on the first day of one's patron saint's day;

(b) Catholics and members of other Christian religious communities - on the first day of Christmas according to the calendar and on the second day of Easter;

(c) Members of the Islamic community - on the first day of the Ramadan Bayram and on the first day of Kurban Bayram;

(d) Members of the Jewish community - on the first day of Yom Kippur.

II.

14. The constitutional and legal provisions and equality in practice have enabled the activities of about 50 registered religious communities in the Republic of Serbia and the Republic of Montenegro. The largest and most numerous religious community is the Serbian Orthodox Church rallying Serbs and Montenegrins. a/ The Islamic community is active among Muslims and ethnic Albanians and the Roman Catholic Church among Croats and Hungarians. Traditional protestantism is represented by the Slovak Evangelist Church rallying members of the Slovak national minority, while the Christian Reform Church is active among Hungarians. Other religious communities belong to new protestantism and modern cults which have a relatively small membership.

15. All religious communities are fully independent and free in the performance of religious rites and their internal organization. They maintain their international links and become members of international church organizations and inter-church associations freely and without any control. Delegates for international church meetings and members of international church organizations are elected by religious communities in accordance with their criteria.

16. Religious communities are very active in publishing all sorts of books. They publish prayers and other religious books, but also university and school textbooks as well as newspapers for children, young people, the family, the religious and ordinary reader. The production and distribution of audio and video cassettes have increased significantly as they are used as a modern means of communication with believers. All religious communities, particularly the smaller ones, import various publications from abroad. Religious books are freely sold in bookshops and by other vendors, and publishers participate at book fairs and similar manifestations. The publication of religious books is subject to the general rules and regulations applicable to all publishers.

17. All religious communities freely teach religion to children of their believers and to other interested people. Classes are held in church or in other suitable premises. Textbooks and lecturers are provided by religious communities according to their own criteria. Religious schools and the number of students in these schools are dependent on the organizational level of each religious community and lecturers' ability to galvanize the audience. According to the regulations in force, religion cannot be taught in State schools, but possibilities are being explored to organize optional religious classes in State schools for interested children.

18. All religious communities in the Republic of Serbia have their own religious schools. The following are the schools of the Serbian Orthodox Church:

(a) Divinity schools providing secondary education:

(i) Divinity School of Sv. Sava, Belgrade: 260 students;

(ii) Divinity School of Sv. Arsenije, Sremski Karlovci: 240 students;

(iii) Divinity School of Sv. Kirilo and Metodije, Prizren: 150 students;

(iv) Divinity School of Sveta Tri Jerarha, Krka Monastery: 133 students;

(v) Divinity School of Sv. Petar Cetinjski, Cetinje: 72 students (the two last schools are not in the territory of the Republic of Serbia);

(b) Colleges and faculties:

(i) Divinity College;

(ii) The faculty of Theology, Belgrade: about 500 full-time and part-time students.

19. This educational system caters for the clerical needs of the Serbian Orthodox Church which now has several hundred priests across the former Yugoslavia and the world. Most of them have secondary education, but the Church does invest money and efforts to provide college and university education to its priests.

20. The Islamic community has two secondary schools: the madrasa in Pristina in the Albanian language and the madrasa in Novi Pazar in Serbian. The Pristina madrasa has about 250 students and the Novi Pazar madrasa about 100. Graduate students from these schools attend religious colleges and universities in Arab and other Islamic countries and are often granted very lavish scholarships.

21. For the purposes of illustration, the age and education breakdown of priests of the Islamic community in the Republic of Serbia is as follows:

Age	Number of priests	Education	Number of priests
Up to 30	63	Faculty of Theology	22
31-40	79	Other faculty	16
41-50	105	College	5
51-60	99	Madrasa graduates	141
Over 60	130	Madrasa undergraduates	253
		Hafizes	39

22. The Christian Adventist Church has opened its Faculty of Theology at Belgrade and is attended by about 100 full-time and part-time students. The Christian Baptist Church has a secondary school and a college at Novi Sad with a small number of students, while the Catholic Church has a school at Subotica.

23. Other religious communities educate their clergy abroad who return home to perform their duties in local churches upon completion of their studies. All religious communities that have religious schools determine curricula and publish textbooks and other school books freely and independently. Church education authorities select teachers and lecturers according to their own criteria and determine the enrolment policy and quotas according to their needs. All religious schools are separated from the State educational system. Because of the need to preserve the autonomy and specificity of religious education, leaders of religious communities have shown no interest in changing this status. In view of the importance of the Faculty of Theology of the Serbian Orthodox Church and the fact that it has always taught at university level, solutions are now being sought to make it part of Belgrade University.

24. All religious communities, in accordance with the number of believers and their needs, build new and maintain the existing places of worship. The Serbian Orthodox Church has several hundred churches, monasteries, parochial homes and other institutions both in Yugoslavia and abroad. About 100 new Orthodox churches are currently being constructed in the Republic of Serbia. In the former Bosnia-Herzegovina, practically all churches and other property of the Serbian Orthodox Church have been destroyed in Muslim-controlled territories. The same fate befell the property of the Serbian Orthodox Church in the eparchies that remained in the Republic of Croatia.

25. The Islamic community in the Republic of Serbia has a considerable number of religious institutions catering to the needs of its believers. However, new mosques and other religious institutions are being constructed, mostly in communities with a small number of believers, which is the cause of frequent resentment of other religious communities. The information on religious institutions according to the official documents of the Islamic community is as follows:

Overall number of jemaats	571
Mosques with imams	448
Jemaats without imams	123
Mosques	457
Messjids	129
Mektep schoolrooms	58
Tekkes	19
Turbehs	33
Offices	50
Gassoulhanes	21
Imam residences	7
Buildings leased	233
Cemeteries	817

Other religious communities also build new religious institutions depending on available means.

26. The Republic of Serbia provides 50 per cent of pension, disability and health insurance contributions of priests. It also subsidizes some religious communities. Through the Republican administration for the Protection of Cultural Monuments, the Republic of Serbia provides considerable financial assistance for the protection of churches and monasteries and other religious institutions.

27. The war in Yugoslavia's neighbourhood has not affected much the activities of religious communities. In general, inter-religious tolerance is satisfactory. In their public statements, leaders of religious communities call on their believers and other citizens to live in peace and help to ease inter-ethnic and inter-confessional tensions in everyday life. There have been no cases of organized disruption of religious activities or desecration of religious institutions, but individual incidents can never be ruled out. A few such incidents did take place (graffiti on church or mosque walls, broken windows, telephone calls to priests and one case of the planting of explosives in the entrance of a Catholic church in a town with the mixed population, which fortunately occurred at the time when the church was closed and when there were no passers-by), but they had no serious consequences and should be viewed in the context of the overall situation in the former Socialist Federal Republic of Yugoslavia and the tragedy of the Serb people and the Serbian Orthodox Church in the Republic of Croatia and in Muslim- and Croatian-controlled territories in the former Bosnia-Herzegovina.

Notes

a/ According to the 1991 census, without the participation of ethnic Albanians, the official data on religious belief in the Republic of Serbia are the following:

Orthodox	81.6 per cent	Others	0.1 per cent
Catholic	6.5 per cent	Non-believers	2.1 per cent
Islamic	2.9 per cent	Unknown	5.6 per cent
Protestant	1.2 per cent	Believers	0.1 per cent

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HUMAN RIGHTS QUESTIONS

Letter dated 19 July 1994 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

Pursuant to General Assembly resolution 48/155 of 20 December 1993, I have the honour to transmit information on discrimination against the Russian-speaking population in Estonia and Latvia (see annex).

I should be grateful if you would have the text of this letter and of its annex circulated as an official document of the General Assembly, under item 104 of the preliminary list.

(Signed) Y. VORONTSOV

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ANNEX

Discrimination against the Russian-speaking population in Estonia and Latvia

The discrimination against hundreds of thousands of non-indigenous inhabitants permanently resident in the territory of Estonia and Latvia, many of whom were born in these countries, is a result of the consistent policy pursued by the authorities in Estonia and Latvia which is in fact aimed at creating monoethnic States.

Estonia

Having by a decision of the Supreme Council of Estonia of 28 February 1992 entitled "Implementation of the Citizenship Act" deprived of Estonian citizenship about half a million ethnic Russians permanently resident in the territory of the Republic, the authorities have embarked according to plan on a gradual exclusion from the country of the Russian-speaking population. Setting aside the demagogic rhetoric of certain public figures in Estonia about restoring the "demographic balance" of the pre-war period, this amounts in practice to ethnic cleansing.

Under the terms of the above-mentioned decision, persons who held Estonian citizenship as at 16 June 1940 are recognized as Estonian citizens. All others are treated as aliens to whom citizenship may be granted only through naturalization.

Certain categories of non-Estonians cannot acquire citizenship at all: former officials of the security and investigatory organs of the USSR, persons convicted of serious crimes against the person or sentenced more than once under criminal law for international crimes and, lastly, those with no permanent legal income.

Counting of the period of residence required for the acquisition of citizenship begins from 30 March 1990, regardless of the length of time the person had been resident in Estonia prior to that date. Moreover, those wishing to acquire Estonian citizenship must take an oath of loyalty and pass an examination in Estonian (the State language) and Estonian history. In practice, these examinations may be transformed into an insuperable barrier, although without formally violating the letter of the law.

In accordance with article 7 of the decision of the Supreme Council of Estonia of 28 February 1992, in February 1993 the country's Parliament adopted the Act entitled "Requirements regarding knowledge of the Estonian language by persons applying for Estonian citizenship".

This extremely important normative instrument, published in the press after its confirmation by the President of the Republic, specifies both the criteria of linguistic knowledge and the categories of persons to whom "special conditions" for taking the State examinations may apply. In particular, the Government has the right "to establish special rules for the taking of the

language examinations by persons born before 1 January 1930 and also by group 1 invalids and those group 2 invalids who have been permanently classified as such and whose health does not permit them to take the examination in the normal manner".

The authorities in Tallinn are presenting the adoption of this Act as "a decisive step forward in the establishment of a dialogue on an equal footing between Estonians and the non-indigenous population of the Republic". Essentially, however, it is a cosmetic change which in fact does little to facilitate the procedure for acquisition of Estonian citizenship even by those categories of persons who because of their advanced age or state of health can scarcely expect to have an active command of the Estonian language. Instead of heeding the voice of the world community, which has more than once raised in various forums the issue of guaranteeing the legal rights and interest of the Russian-speaking inhabitants, the authorities in Estonia are resorting to various types of subterfuges in order to cover up the existing serious violations of universally accepted international standards in this sphere.

Under the circumstances, when the necessary foundations have not been laid for study of the Estonian language by non-indigenous inhabitants, the issue of acquiring Estonian citizenship remains unresolved for the vast majority of ethnic Russians permanently resident in the Republic.

Nor has the approval by the Estonian Parliament of a bill amending the decision of 28 February 1992 on the implementation of the Citizenship Act led to any essential change in the situation. The new legislation establishes a simplified procedure for the acquisition of citizenship (exemption from taking the Estonian language examinations) for those permanent residents of the country who submitted their application for Estonian citizenship before the elections to the Estonian Congress, i.e. before 24 February 1994, thereby doing away with the requirement of knowledge of Estonian provided for in article 6, paragraph 3 of the Estonian Citizenship Act. The amendment adopted is extremely limited in scope and covers a very small group of the persons who potentially have the right to claim citizenship. In essence, it relates to some 30,000 people, principally ethnic Estonians who are not citizens of the Estonian Republic by birth.

Thus the issue of acquisition of citizenship remains unresolved for the vast majority of Estonia's non-indigenous population. The proclamation of a third of the country's permanent population as aliens or stateless persons is a direct violation of the fundamental principles of the Universal Declaration of Human Rights (articles 6 and 15; article 25 (c)) and of the International Covenant on Civil and Political Rights.

Under the terms of the Constitution of Estonia, non-citizens may have limitations placed on the exercise of their right freely to disseminate ideas, opinions, convictions and other information and to hold meetings without prior authorization. They are also deprived of the right to form political parties.

With the adoption of the Local Government Elections Act and the Aliens Act, those ethnic Russians permanently resident in the Republic who previously, on the basis of the relevant legislation, were deprived of the opportunity to

acquire Estonian citizenship are now deprived as well of the right to be elected to the organs of local government even in those regions where they constitute an absolute majority of the population. (For example, in the towns of Narva and Sillamäe in the industrial north-east, Russian speakers account for about 95 per cent of the population.) Moreover, half a million permanent residents of the Republic have de facto been proclaimed as some kind of illegal immigrants. They are deprived of the right to freedom of movement and employment, and in some cases many of them may be expelled from the country. Even obtaining a residence permit involves surmounting countless bureaucratic formalities and submitting various types of forms, including certificates confirming the results of analyses for AIDS and syphilis.

There are grounds for serious concern in the official statements by senior officials in the Estonian Department of Citizenship and Migration to the effect that persons permanently resident in the Republic before July 1990 under the former Soviet registration system will receive not a temporary, but a fixed-term, residence permit. This terminological casuistry fails to conceal the underlying political realities, which involve on the one hand creating an appropriate legal basis for mass deportation of the Russian-speaking population from the Republic and on the other hand causing direct economic harm to people who have been working on Estonian soil for decades, for example by depriving them of the right to privatize their housing.

There are substantial restrictions on the social and economic rights of the Russian-speaking population of the Republic. Under the Land Reform Act, privatization of land extends only to citizens of Estonia. The failure to take into account periods of employment outside Estonia has an impact on the privatization of housing and the calculation of pensions, in respect of which no account whatsoever is taken of service in the ranks of the Soviet Army.

There are still restrictions on the right of non-citizens to work as officials in State institutions, the courts, arbitration tribunals, the procurator's office, notaries' offices, the police and the customs service. The certification of knowledge of the State language inevitably leads to mass unemployment among ethnic Russians, and the result is a vicious circle: an unemployed foreigner or stateless person, having no legal source of income, cannot under the legislation in force in Estonia apply for citizenship, and a non-citizen has no right to assistance from the State in obtaining employment.

The high housing costs and the overall high cost of living have an impact on the socially most vulnerable sectors of society - the unemployed and pensioners receiving meagre allowances.

Retired military personnel (of whom there are about 10,500 in the Republic, or together with their family members more than 40,000 people) have proved to be in the most difficult situation. The Tallinn authorities refuse to issue these people even with residence permits, stating that they are a threat to the security of the State. In fact, however, 80 per cent of military pensioners are people aged over 60 who simply have nowhere to go. Moreover, they do not constitute an economic burden on the Republic, since they receive their pensions from the Ministry of Defence of the Russian Federation.

At the same time, attempts are being made at the local government level to nullify the entire basis, including registration, for residence in the territory of the Republic by Russian military personnel and the staff of organizations of the Ministry of Defence of the Russian Federation, Russian military pensioners and their family members. The authorities in Tallinn and Tartu have already taken the decision to use the police to evict these people from the apartments they occupy.

Alongside the restrictions placed on the Russian-speaking population in the political and socio-economic spheres, one of the means of discriminating against members of the non-indigenous nationality is drastic limitation of the rights of the Russian-speaking population of Estonia in the field of education, culture and information. Legal embodiment has already been given to this discriminatory practice: the Language Act, the National Minorities Cultural Autonomy Act, the National Education Act and the Intermediate Schools and High Schools Act and the associated legal instruments all to varying degrees impose additional restrictions on the non-indigenous population of the country.

The National Minorities Cultural Autonomy Act approved by the State Assembly of Estonia on 26 October 1993 provides that only citizens of the Republic may participate in elections for or be elected or appointed to membership of the governing bodies of the institutions of cultural self-government. According to article 6 of this Act, aliens may only "take part in the activity of national minority cultural institutions, educational establishments and religious movements".

Moreover, the very fact of recognition as a national minority requires organizational legalization: "The basis for application for cultural autonomy of a national minority is the national list of the national minority" (Art. 7 (1)).

Under the terms of this normative instrument, the Estonian Government delegates to the national minority the organization of mother-tongue education, the establishment of the minority's cultural institutions and the establishment of funds to provide grants and awards for purposes of the development of culture and education (Art. 5 of the Act).

The threat of a decline in the overall educational level of young people belonging to the non-indigenous population is becoming very real. In September 1993 the National Education Act and the Intermediate Schools and High Schools Act were approved. According to the latter Act, the State guarantees mother-tongue education in the primary and intermediate schools, i.e. from grades 1 to 9. Secondary (or high-school) education in the State schools will be provided only in the State language. To this end, over the period 1993-2000 a transition to Estonian as a language of instruction will take place, and by the beginning of the third millennium there will no longer be any high schools in the Republic providing full secondary education in Russian.

Under the present circumstances, with no system in place for training specialists to teach subjects in Estonian in Russian schools, not one of the existing Russian schools will be able to qualify for full legal status as a high school. Moreover, the introduction of teaching of chemistry, physics and

natural sciences in Estonian will mean that students will not know the Russian scientific and technical terminology, which will then preclude them from entering Russian institutions of higher education, and few of them will be able to compete with Estonian secondary school graduates in entrance examinations. Already this year there has been a decrease in the number of graduates from Russian secondary schools, and this will in turn mean a reduction in the numbers entering specialized secondary educational institutions and trade schools, and consequently in the number of instructors at them.

Even if they successfully pass the Estonian language examinations, the majority of teachers are not in a position to switch to teaching their subject in a foreign language. There is every ground for assuming that the basic criterion for professional evaluation of teachers in Russian-language educational institutions will be reduced to a single requirement - knowledge of the Estonian language - and this will unquestionably introduce a certain dissonance into the rating system of teacher training colleges.

The transition to teaching subjects in school in Estonian is being transformed into a means of eliminating teaching in Russian. Few specialists capable of teaching their subjects in Estonian go to the Russian schools: there is considerably more work (as a rule, the Russian-language schools are overloaded, and teaching is often conducted in three shifts), and the remuneration is not commensurate with the workload. A negative trend is apparent towards reduction in the general educational level of Estonian language teachers in Russian schools: at the beginning of the 1993-1994 school year, there were 499 teachers of Estonian in the Russian schools, of whom only 40 per cent had received specialized higher teacher training, 13 per cent had only general secondary education, and the remainder - almost 47 per cent - had a university education, but in another field.

The "Estonianization" of curricula in the Russian-language schools gives cause for serious concern. For a number of years now, Russian history has been completely excluded as an independent discipline, and is taught only in the world history course.

Schools in Estonia today are working only on the basis of their own humanities textbooks, written and specially translated for the non-Estonian schools by Estonian authors. Among the recommended textbooks of this kind in the Russian schools is one, which counts among its authors the current Prime Minister of Estonia, Mart Laar, entitled "Essays in the history of the Estonian people"; by means of unprincipled silence or gross falsification of major historical events, this book depicts Russia as a barbarian country and Estonia as an outpost of European civilization confronting Eastern barbarism. And this is a matter not of tendentious hypotheses which call for dispassionate scientific assessment, but of the establishment of a deliberate state position the essence of which was set forth by the President of Estonia, Lennart Meri, in his lecture for "Europeans abroad" - the establishment of a sanitary cordon between the West and the barbarians, with Estonia, now and in the future, serving as its bridgehead.

The unimpeded propagation of this idea of a special Estonian "vanguard", which is deforming not only the schools but the entire sphere of information and

culture, is to a considerable extent facilitating the growing isolation of ethnic Russians as far as information is concerned.

Since April 1993 the rebroadcasting in Estonia of the Russian radio programme "Mayak", as well as of the St. Petersburg and Russian television programmes, has been discontinued.

From the beginning of 1994 the television programme "Ostankino" was broadcast only at the time of the news transmissions, and since 28 March it has been completely discontinued on grounds of non-payment. Once the issue of financing the transmission of "Ostankino" had been resolved, the Estonian authorities put forward a new and manifestly contrived pretext - that Russian-language broadcasts without simultaneous translation into Estonian, which was impossible in practice for purely technical reasons, contravened the State Language Act. And yet this same Act does not prevent the appearance on Estonian screens of four daily television programmes from Finland, one of them in Swedish.

The state of the periodical press obviously affords the most striking evidence of the information blockade against ethnic Russians that has been artificially created in the Republic. Only two Russian-language publications published outside Estonia can be bought at the newsstands: "The Week in Review" of The New York Times and "Moskovskie Novosti". There has been a sharp increase in the price of subscriptions to newspapers and journals published in the Russian Federation.

Collections of books in Russian are being closed down. For example, practically all Russian-language editions have been removed from the central library in Tallinn.

A catastrophic situation has emerged in connection with the financing of Russian culture in Estonia. Of the 11 state theatres, only one is Russian. In terms of the number of groups of creative artists, there are 10 to 15 times as many Estonian as Russian ones. In Tallinn, with a Russian population of not less than 200,000, there remains not a single cultural educational institution whose language of instruction is Russian. The budgets of Tallinn, Tartu, Pärnu and other towns and districts make no provision whatsoever for the financing of Russian culture.

Another matter for deep concern is the violation of the right of the Russian-speaking inhabitants of Estonia to freedom of religion. After the Ministry of Internal Affairs had refused to register the Estonian Orthodox Church, which owes allegiance to the Patriarch of Moscow, and accorded legal recognition to the congregation administered by the Synod of the Estonian Apostolic Church, located in Stockholm, the Estonian Orthodox Church lost the right not only to its property, including the church buildings, but also to carry on its activity.

It must regrettably be noted that Estonia's admission to such an authoritative international organization as the Council of Europe has not led to a change in the position of the Tallinn authorities regarding the Russian-speaking population of the Republic. Indeed, the Estonian authorities have

taken the country's admission to the Council of Europe as licence to continue their policy of establishing a monoethnic State.

Latvia

Until recently, Latvia was the only State-Republic of the former USSR that had not adopted an act on citizenship. On 21 June 1994, the Latvian Saeima (Parliament) adopted this most important normative instrument (the first reading took place at the end of November 1993, the second on 9 June 1994).

The act clearly discriminates against the Russian-speaking population of Latvia and is imbued with undisguised national protectionism. Thus, ethnic Latvians, Livonians (members of a small nationality that resided legally in Latvia until 1940 but did not have Latvian citizenship), spouses of citizens (if they have been married for at least 10 years), children one of whose parents is an ethnic Latvian or a Livonian, and people who were brought to Latvia by force during the Nazi occupation will be granted citizenship out of turn. This group of "first-in-liners" also includes Lithuanians and Estonians who have permanent residence in Latvia. To all appearances, the preference that those nationalities receive over Russians, Belarusians or Poles can be explained only by the desire of Latvian parliamentarians to promote "Baltic unity".

The above-mentioned categories of persons do not obtain citizenship automatically. They are subject to a 10-year residence requirement and must also pass an examination on the Latvian Constitution, the history of the country and the Latvian language. In addition, people applying for Latvian citizenship must have a legal source of income.

Beginning in 1996, applications for citizenship may be made by persons who were born in Latvia, but in the following order according to age: from ages 16 to 20, 21 to 25, 26 to 30, followed by people over 30. The latter will be able to apply for Latvian citizenship no earlier than the year 2000. In accordance with the quotas set out in the act, citizenship may be granted to 0.1 per cent of the number of citizens in the previous year, which is equivalent to approximately 2,000 people a year. Thus, about 500,000 permanent residents of the Republic will be stateless at least until the beginning of the next millennium, and the acquisition of Latvian citizenship by ethnic Russians will drag on for a great number, perhaps dozens, of years. According to expert calculations, only 230,000 out of the 830,000 non-citizens can count on acquiring citizenship by the year 2000; of those, only 85,000 will be granted citizenship before 1 January 1996.

The act also contains limitations on naturalization. Applications for Latvian citizenship cannot be made by persons "who opposed the independence of the Republic of Latvia or the existing State power in Latvia, who after 4 May 1990 disseminated fascist, chauvinist, national-socialist, communist or other totalitarian ideas, or by ex-servicemen of the Armed Forces of the USSR (Russia) who after demobilization chose Latvia as their place of residence and who at the time of their call-up to military service had not been permanent residents of Latvia" (art. 11).

The adoption of the Citizenship Act in its current form in fact creates the necessary legal basis for the possible future deportation of non-citizens, who now number more than 700,000, or over one third of the permanent residents of the Republic; Russians account for about 62 per cent of non-citizens. The Committee of Senior Officials of the Conference on Security and Cooperation in Europe (CSCE) has already expressed its concern at these developments and, at its latest session, called upon Latvia to reconsider its Citizenship Act.

On 22 June 1994, the Cabinet of Ministers of the Republic of Latvia called upon the President to submit the Citizenship Act to Parliament for reconsideration. In the opinion of the members of the Government, the annual quota system will complicate Latvia's admission to the Council of Europe and will hamper its integration into the European Union and closer ties with the North Atlantic Treaty Organization (NATO).

A number of European countries (Sweden, Germany, France, Austria, Estonia) have already expressed their opposition to the introduction of naturalization quotas. Representatives of the Council of Europe, CSCE and the Committee of Ministers of the European Union have voiced their concern over a number of provisions of the Act. However, even if the quota system, which is opposed in particular by representatives of major international organizations and leading European countries, is abandoned when the Act is reconsidered, the rate of naturalization, in the opinion of many experts, will not change in so far as the process of granting citizenship is in the hands of bureaucrats in the executive branch.

One gets the impression that, since the very first days of Latvia's existence as a sovereign State, the leaders of the Republic have endeavoured to create a political, socio-economic and cultural environment that would induce the Russian-speaking population to leave the country. This goal is reflected in most of the normative acts that the Republic of Latvia has adopted since 1991 (Act on Elections to Central and Local Government Bodies, Civil Service Act, Election Campaign Act, Language Act, and addenda to the Act on the Entry and Stay of Aliens and the Police Act).

The decision of 15 October 1991 of the Supreme Council of the Republic of Latvia, entitled "Restoration of the rights of citizens of the Latvian Republic and basic conditions for naturalization" in fact granted Latvian citizenship only to those who possessed such citizenship as at 17 June 1940, and to their descendants.

The overwhelming majority of the Russian-speaking population that did not receive Latvian citizenship was not allowed to participate in elections and was deprived of the right to acquire property; its rights to participate in privatization and establish joint-stock companies, as well as its right to hold government office, were considerably curtailed.

The Act on the Entry and Stay of Aliens and Persons without Citizenship in the Republic of Latvia of 9 June 1992 left thousands of permanent residents of Latvia, who had settled in that country after the Second World War, in the position of "illegal immigrants".

The decision of the Supreme Council of Latvia of 28 April 1993, entitled "Issuance of temporary residence permits to persons whose presence in Latvia is occasioned by the temporary stationing in its territory of the Armed Forces of the Russian Federation", substantially restricts the right of this considerable segment of the Russian-speaking population to freedom of residence.

According to that decision, all persons who are in any way associated with the Armed Forces of the former USSR are classed as aliens and persons without citizenship. Moreover, that category includes not only military personnel who entered Latvia after 4 May 1993, but also their spouses (including former spouses), children (including adult children), dependants and other blood relatives. By conferring the status of military personnel of the Armed Forces of the Russian Federation on adult children, dependants and other blood relatives, the decision forces them to leave Latvia, regardless of their intentions or long-standing ties, including family ties, with the country of residence. This violates one of the universally recognized norms of international law: the right to freedom of residence (art. 13, para. 1, of the Universal Declaration of Human Rights).

After Latvia introduced, on 22 March 1993, the visa requirement for entry into its territory, one of the methods of discriminating against the Republic's Russian-speaking population became the unjustified refusal to issue a re-entry visa, for which a fee is charged.

The logical continuation of this national policy was the Latvian Parliament's adoption of the Local Government Elections Act. According to that Act, non-citizens are deprived not only of passive but also active suffrage; language restrictions are imposed even on persons of non-indigenous nationality who are citizens (only persons who have passed the examination in Latvian at the highest level can run for office). During the last elections, one third of the country's adult population - Russian or Russian-speaking - was deprived of the right to vote for candidates in local government elections. Artificial barriers (in practice, on the basis of nationality) are erected to the nomination of candidates in Riga and other major cities with a high non-indigenous population.

In keeping with the Residents Registration Act, a systematic campaign is being waged to reclassify ethnic Russians as a category of the population that is completely without rights. Persons not included in the Residents Register in the normal manner are deprived of the right to receive children's allowances and unemployment benefits, the right to free medical care for children, the right to receive privatization certificates, the right to invite relatives from abroad, the right to receive tax books (which prevents them from receiving tax concessions and seeking lawful employment), and the right to leave and enter the country freely.

This category includes many people who were born in Latvia and people who have lived in that country for as long as they can remember, and also those who during the Nazi occupation were forcibly transported - not without the participation of the local SS - to Latvia. According to information provided by the Director of the Department of Citizenship and Immigration of the Republic of Latvia, Mr. I. Zitars, about 136,000 people were refused registration in the

normal manner; however, the Latvian Human Rights Committee considers that figure to be actually in the neighbourhood of 160,000.

People whose period of residence has been artificially reduced for contrived reasons (for example, temporary travel outside Latvia or work as civilian employees in military units) lose their right to receive privatization certificates and, as a result, are unable to privatize their homes, which means that they could eventually find themselves on the street. Since the issuance of certificates to non-citizens is just beginning, the number of people in this category has not yet been established but, in the opinion of the Latvian Human Rights Committee, hundreds of thousands of people - perhaps the majority of non-citizens - are affected.

It should also be noted that registration forms are filled out only in Latvian and a considerable number of registered persons are simply unable to verify the information included in such documents.

In the context of economic reforms, the rights of the Russian-speaking population are deliberately and consistently violated. The Russian-speaking population cannot count on its share of the State property that it actively helped to create. In all instances, that segment of the population is the first to be laid off from work and the last to be hired. Non-citizens are restricted in their social rights and are frequently denied social allowances, unemployment benefits, and so on. Their social pensions are equivalent to 90 per cent of the pensions of citizens, and their rights to obtain and acquire housing, their right to self-defence, as well as other rights, have been restricted.

The leaders of Latvia are conducting a deliberate policy aimed at destroying the cultural life of the Russian-speaking population. Every year it becomes more difficult to receive higher - and even secondary - education in Russian, read the Russian press and watch and listen to television and radio broadcasts from the Russian Federation. From the second year onward, higher education may be continued only in the State language; the number of Russian secondary schools is decreasing, and aid to cultural institutions has been reduced to a minimum. In the final analysis, all this leads to the loss of the national culture of non-Latvians who, as a result, are assimilated into the general mass of the Republic's indigenous population.

The fomentation of animosity towards immigrants from Russia, which has become a State policy, is making relations difficult. Local executive bodies often adopt an arbitrary approach to the enforcement of legislation, thus increasing its discriminatory nature. In everyday life, ethnic Russians are increasingly encountering intolerance, aggressive nationalism and xenophobia based on their ethnic origin.

Because of this policy towards Latvia's Russian-speaking population, 60,000 people were forced to leave the Republic in 1992-1993.

Such developments in Latvia and Estonia were a direct consequence of the implementation of doctrines aimed at creating monoethnic States. Estonia and Latvia have deliberately ignored and continue to ignore basic human rights instruments, the opinion of international experts and the recommendations of the

CSCE High Commissioner on National Minorities and the Council of Europe, and appeals from a number of neighbouring States.

Insufficient attention on the part of the international community and the "neutrality" of some States is contrary to the universally recognized conclusion that adequate guarantees of the rights of national minorities are, given the current state of affairs, a key element in the maintenance of regional and international stability. The diplomatic turning of a "blind eye" to the infringement of the rights of hundreds of thousands of people in Latvia and Estonia is, in the current circumstances, a return to the well-known practice of "double standards".

Our heightened attention to this problem is not a relapse into "neo-imperialist" thinking but an expression of genuine concern about the fate of democracy in Estonia and Latvia, and for that matter in Russia itself, an attempt to find a practical solution to the question, rather than theorize about the problem until a crisis occurs. For its part, the Russian Federation, in accordance with General Assembly resolution 48/155, entitled "Situation of human rights in Estonia and Latvia", and in the light of the continuing deterioration of the human rights situation, will persist in drawing the attention of the international community to the situation of ethnic Russians in these Baltic States.

Today in the Baltic States, the effectiveness of international instruments in the field of human rights and the protection of national minorities is being put to the test.

The discriminatory policies and practices of these States vis-à-vis the Russian-speaking population, which have already been consolidated in their domestic legislation, are contrary to the basic principles of the United Nations, violate the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention concerning Employment Policy and other international legal instruments. We believe that this situation should continue to be considered by the United Nations.

Conditions for blatant discrimination against a considerable part of the population of States and the creation of new hotbeds of tension and conflict situations must not be allowed to be established in Europe.

Obviously, additional international efforts are needed to encourage Estonia and Latvia to comply fully and conscientiously with the obligations that they assumed under bilateral and international agreements in the field of human rights and freedoms.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

SECURITY COUNCIL
Forty-ninth year

Letter dated 19 July 1994 from the Permanent Representative of Croatia to the United Nations addressed to the Secretary-General

Recently there have been increased efforts by the Serb leaders in Belgrade, Banja Luka and Knin to promote false allegations that all those who declared themselves as "Yugoslavs" in the former Socialist Federal Republic of Yugoslavia were, in fact, Serbs by nationality. A recent example of this can be seen in the letter dated 29 June 1994 from the Deputy Federal Minister for Foreign Affairs of the "Federal Republic of Yugoslavia" (Serbia and Montenegro) addressed to the Secretary-General (A/49/218-S/1994/801), in which he claimed that, in reference to the Republic of Bosnia and Herzegovina, "Serbs were almost the only ones who declared themselves Yugoslavs".

This false claim seeks to demonstrate that the total number of Serbs in the Republic of Croatia, as well as in the Republic of Bosnia and Herzegovina, is much greater than it ever was or presently is. The exaggeration of the number of Serbs in the two Republics serves several purposes, the foremost of which are to justify acquisition of territory by force by claiming that the occupied regions contained more Serbs than they actually did and to exaggerate the decline of the Serbian population in certain regions owing to the war by claiming that the decline in the number of "Yugoslavs" actually represents a decline in the number of Serbs and, therefore, to inflate the total number of Serbian refugees and displaced persons.

* A/49/50/Rev.1.

These claims can easily by refuted by looking at the official 1981 and 1991 census data in the Republic of Croatia as provided below. It should be noted that the 1991 census was conducted prior to the outbreak of warfare.

	1981	1991
Total	4 601 469	4 784 265
Croats	3 454 661	3 736 356
Serbs	531 502	581 663
Yugoslavs	379 057	106 041

As can be seen, the above data shows that the total number of those identifying themselves as "Yugoslavs" in the Republic of Croatia declined by 273,016 from 1981 to 1991. At the same time, the total number of Serbs increased by 50,161, while the total number of Croats increased by 281,695. When one takes into account that the total population of Croatia increased by 182,796 during that period, it becomes clear that the overwhelming majority of those who identified themselves as "Yugoslavs" in the 1981 census were, in fact, Croats by nationality.

In order to understand the reasons for the change in national identification by persons residing in the Republic of Croatia, it is important to note that there was a steep increase in the number of those declaring themselves as "Yugoslavs" in the Republic of Croatia from 1971 to 1981. In the official census of 1971, only 84,118 persons declared themselves as "Yugoslavs" in the Republic of Croatia, while the number of "Yugoslavs" in Croatia in the official 1981 census more than quadrupled to 379,057. During this same period, according to the official censuses, the number of Croats in the Republic of Croatia declined by 58,986.

A major reason for this is that during the 1970s there was a crackdown by the Belgrade regime on a democratic movement within Croatia which sought greater civil, political and national rights for the Croatian people and all other residents of the Republic of Croatia. This movement was generally referred to as the "Croatian Spring". In its brutal crackdown of this movement, the Belgrade regime imprisoned and beat thousands of people in Croatia, while it sent out assassination squads to murder Croat dissidents living in exile. The Belgrade regime justified its brutal crackdown by falsely claiming that the "Croatian Spring" was motivated by extreme nationalism.

As a result of this crackdown, certain Croats thought it advantageous to declare themselves as "Yugoslavs" in the official 1981 census. However, in 1991, when the Republic of Croatia had largely succeeded in ridding itself of Belgrade's domination, many of these same individuals again declared themselves as Croats.

On the basis of the above information, it is clear that the census of 1991 should be used as an indicator of the national composition of the Republic of Croatia, as it more accurately reflects the actual national structure of the Republic at that time.

I certainly hope that the above data will be kept in mind when fabricated claims are made by certain Serbian representatives in regard to the number of Serbs living in Croatia or Bosnia and Herzegovina, as well as to the number of Serb refugees and displaced persons.

I would be grateful for your kind assistance in circulating the present letter as a document of the General Assembly, under items 103 and 104 (c) of the preliminary list, and of the Security Council.

(Signed) Mario NOBILO
Ambassador
Permanent Representative

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S/1994/853
20 July 1994

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-ninth session
Item 88 of the preliminary list*
QUESTION OF EAST TIMOR

SECURITY COUNCIL
Forty-ninth year

Letter dated 18 July 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Germany to the United Nations addressed to the Secretary-General

On behalf of the European Union I have the honour to transmit to you herewith a declaration by the European Union on East Timor issued on 18 July 1994 at Brussels.

I should be grateful if you could have the text of this letter and its annex circulated as a document of the General Assembly, under item 88 of the preliminary list, and of the Security Council.

(Signed) Gerhard HENZE
Acting Permanent Representative
of Germany
to the United Nations

* A/49/50/Rev.1.

ANNEX

[Original: English and French]

Statement on East Timor, issued by the European Union on 18 July 1994

The European Union has learned with concern of the recent incidents in Dili, East Timor, which have again heightened tension in the territory.

The European Union reaffirms the need for observance of human rights, particularly as regards freedom of worship and free access to the territory for international organizations. This is the only way in which the necessary conditions can be created for the success of efforts undertaken under the auspices of the United Nations Secretary-General with a view to a just, lasting and internationally acceptable solution to the question of East Timor.

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20 July 1994

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Forty-ninth session
Item 72 of the preliminary list*

MAINTENANCE OF INTERNATIONAL SECURITY

Letter dated 19 July 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a note of the Federal Ministry of Foreign Affairs of the Federal Republic of Yugoslavia dated 11 July 1994, which was handed over to the Chargé d'affaires of the Embassy of the Republic of Turkey at Belgrade (see annex).

I should be grateful if you would have the present letter and its annex circulated as an official document of the General Assembly under item 72 of the preliminary list.

(Signed) Dragomir DJOKIĆ
Ambassador
Chargé d'affaires a.i.

* A/49/50/Rev.1.

ANNEX

Note dated 11 July 1994 from the Federal Ministry of Foreign Affairs of Yugoslavia addressed to the Embassy of Turkey at Belgrade

The Federal Ministry of Foreign Affairs of the Federal Republic of Yugoslavia presents its compliments to the Embassy of the Republic of Turkey and protests most strongly the countenance by the Government of the Republic of Turkey of the presence and continuous anti-Yugoslav activity of the so-called "Sandjak Villayet News Agency" in Turkey. Profound concern is also aroused by the fact that the Government of Turkey has allowed the "Agency" to work despite numerous warnings by the Yugoslav side that such an attitude will bring serious harm to the relations between the two countries.

The Federal Ministry of Foreign Affairs wishes to reiterate that the constitutional system of the Federal Republic of Yugoslavia knows of no "Sandjak" or a "Sandjak Villayet" and that the so-called "News Agency" is neither registered nor legal in the Federal Republic of Yugoslavia. As it represents the so-called "Muslim National Council of Sandjak", the aim of which is to establish a phantom "independent State of Sandjak", it is quite clear that its activities have nothing to do with "news agency" work. The aims of both the "Council" and the "Agency" are contrary to the Constitution of the Federal Republic of Yugoslavia as a sovereign State and pose a threat to the territorial integrity of the country.

Accordingly, the reasons that have guided Turkey to accord hospitality to this illegal organization and to countenance its activities against the Federal Republic of Yugoslavia are unacceptable, just as evocative of the dark past of the Turkish occupation of these lands and offensive to the Yugoslav public as is the use of Turkish names ("Sandjak Villayet") for a region that is an integral part of the Federal Republic of Yugoslavia.

Turkey's countenance of, and support to, the activities of the "Agency" constitutes a gross interference in the internal affairs of the Federal Republic of Yugoslavia, as well as an incitement and encouragement to this illegal separatist organization, which has a far-reaching negative impact on Yugoslav-Turkish relations and on peace and security in the Balkans, for which the Government of Turkey bears full responsibility.

The Government of the Federal Republic of Yugoslavia calls on the Government of the Republic of Turkey to reconsider its attitude in this matter and to take the necessary measures to prevent further activities of this illegal organization, thus giving a practical confirmation to its readiness to work for the normalization of relations and a dialogue between the two countries. This would, no doubt, be in accordance with Turkey's frequent public avowals to the effect that it supports the territorial integrity of the Federal Republic of Yugoslavia and that it does not pursue a hostile policy against it.